



General Assembly

January Session, 2009

Raised Bill No. 1125

LCO No. 4853

04853_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE COMPREHENSIVE REVISION OF THE
HUMAN RIGHTS AND OPPORTUNITIES STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-1f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 For purposes of sections 3-10e, 4a-60, as amended by this act,
4 subdivision (12) of section 38a-816, chapter 814c and [sections 46a-58,
5 46a-60, 46a-64, 46a-70 to 46a-73, inclusive, 46a-75, 46a-76 and] section
6 52-175a:

7 (a) An individual is blind if his or her central visual acuity does not
8 exceed 20/200 in the better eye with correcting lenses, or if his or her
9 visual acuity is greater than 20/200 but is accompanied by a limitation
10 in the fields of vision such that the widest diameter of the visual field
11 subtends an angle no greater than twenty degrees;

12 (b) An individual is physically disabled [if he] or has a physical
13 disability if such individual has any chronic physical handicap,
14 infirmity or impairment, whether congenital or resulting from bodily

15 injury, organic processes or changes or from illness, including, but not
16 limited to, blindness, epilepsy, deafness or hearing impairment or
17 reliance on a wheelchair or other remedial appliance or device.

18 Sec. 2. (NEW) (*Effective October 1, 2009*) As used in section 4a-60 of
19 the general statutes, as amended by this act, and sections 46a-52 to 46a-
20 104, inclusive, of the general statutes, as amended by this act:

21 (1) "Application for credit" means any communication, oral or
22 written, by a person to a creditor requesting an extension of credit to
23 that person or to any other person, and includes any procedure
24 involving the renewal or alteration of credit privileges or the changing
25 of the name of the person to whom credit is extended;

26 (2) "Blind" or "blindness" means a central visual acuity not
27 exceeding 20/200 in the better eye with correcting lenses, or a visual
28 acuity greater than 20/200 that is accompanied by a limitation in the
29 fields of vision such that the widest diameter of the visual field
30 subtends an angle no greater than twenty degrees;

31 (3) "Commission" means the Commission on Human Rights and
32 Opportunities created by section 46a-52 of the general statutes, as
33 amended by this act, or an individual lawfully exercising the powers
34 and duties ascribed to the commission;

35 (4) "Commission legal counsel" means a member of the legal staff
36 employed by the commission pursuant to section 46a-54 of the general
37 statutes, as amended by this act;

38 (5) "Commissioner" means a member of the commission appointed
39 pursuant to section 46a-52 of the general statutes, as amended by this
40 act;

41 (6) "Complainant" means any person, whether acting on his or her
42 own behalf or through an attorney, who is filing or has filed a
43 complaint pursuant to section 46a-82 of the general statutes, as
44 amended by this act;

45 (7) "Court" means the Superior Court or any judge of said court;

46 (8) "Credit" means the right granted by a creditor to a person to
47 defer payment of debt or to incur debt and defer its payment, or
48 purchase property or services and defer its payment, including, but
49 not limited to, the right to incur and defer debt secured by residential
50 real property;

51 (9) "Credit sale" means any transaction with respect to which credit
52 is granted;

53 (10) "Credit transaction" means any invitation to apply for credit,
54 application for credit, extension of credit or credit sale;

55 (11) "Creditor" means any person who regularly extends or arranges
56 for the extension of credit for which the payment of a finance charge or
57 interest is required whether in connection with loans, sale of property
58 or services or otherwise;

59 (12) "Deaf person" means a person who cannot readily understand
60 spoken language through hearing alone and who may also have a
61 speech defect which renders his or her speech unintelligible to most
62 people with normal hearing;

63 (13) "Discrimination" includes segregation and separation;

64 (14) "Discrimination because of religious creed" includes, but is not
65 limited to, discrimination related to all aspects of religious observances
66 and practice as well as belief, unless an employer demonstrates that
67 the employer is unable to reasonably accommodate an employee's or
68 prospective employee's religious observance or practice without undue
69 hardship on the conduct of the employer's business;

70 (15) "Discrimination because of sex" includes, but is not limited to,
71 discrimination related to pregnancy, child-bearing capacity,
72 sterilization, fertility or related medical conditions;

73 (16) "Discriminatory employment practice" means any
74 discriminatory practice specified in section 46a-60 of the general
75 statutes, as amended by this act;

76 (17) "Discriminatory housing practice" means any discriminatory
77 practice specified in section 46a-64c of the general statutes, as amended
78 by this act;

79 (18) "Discriminatory practice" means a violation of section 4a-60, as
80 amended by this act, 4a-60g, as amended by this act, subdivisions (13)
81 to (16), inclusive, of section 46a-54, as amended by this act, section 46a-
82 58, as amended by this act, 46a-59, as amended by this act, 46a-60, as
83 amended by this act, 46a-64, as amended by this act, 46a-64c, as
84 amended by this act, 46a-66, as amended by this act, 46a-68, sections
85 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, as amended
86 by this act, or subsection (a) of section 46a-80 of the general statutes;

87 (19) "Dwelling" means any building, structure, mobile
88 manufactured-home park or portion thereof occupied as, or designed
89 or intended for occupancy as, a residence by one or more families, and
90 any vacant land offered for sale or lease for the construction or location
91 of any such building, structure, mobile manufactured-home park or
92 portion thereof;

93 (20) "Employee" means any person employed by an employer, but
94 does include any individual employed by the individual's parents,
95 spouse or child, or in the domestic service of any person;

96 (21) "Employer" includes the state and all its political subdivisions
97 and means any person with three or more persons in such person's
98 employ;

99 (22) "Employment agency" means any person undertaking with or
100 without compensation to procure employees or opportunities to work;

101 (23) "Extension of credit" means all acts incident to the evaluation of
102 an application for credit and the granting of credit;

103 (24) "Fair Housing Act" means Title VIII of the Civil Rights Act of
104 1968, as amended, and known as the federal Fair Housing Act (42 USC
105 Sections 3600-3620);

106 (25) "Familial status" means one or more individuals who have not
107 attained the age of eighteen years living with a parent or another
108 person having legal custody of such individual or individuals; or the
109 designee of such parent or other person having such custody with the
110 written permission of such parent or other person; or any person who
111 is pregnant or is in the process of securing legal custody of any
112 individual who has not attained the age of eighteen years;

113 (26) "Family" includes a single individual;

114 (27) "Housing for older persons" means housing: (A) Provided
115 under any state or federal program that the Secretary of the United
116 States Department of Housing and Urban Development determines is
117 specifically designed and operated to assist elderly persons, as defined
118 in the state or federal program; (B) intended for, and solely occupied
119 by, persons sixty-two years of age or older; or (C) intended and
120 operated for occupancy by at least one person fifty-five years of age or
121 older per unit in accordance with the standards set forth in the Fair
122 Housing Act and regulations developed pursuant thereto by the
123 Secretary of the United States Department of Housing and Urban
124 Development;

125 (28) "Invitation to apply for credit" means any communication, oral
126 or written, by a creditor that encourages or prompts an application for
127 credit;

128 (29) "Labor organization" means any organization that exists for the
129 purpose, in whole or in part, of collective bargaining or of dealing with
130 employers concerning grievances, terms or conditions of employment,
131 or of other mutual aid or protection in connection with employment;

132 (30) "Lawful source of income" means income derived from Social

133 Security, supplemental security income, housing assistance, child
134 support, alimony or public or state-administered general assistance;

135 (31) "Learning disability" means a severe discrepancy between
136 educational performance and measured intellectual ability and a
137 disorder in one or more of the basic psychological processes involved
138 in understanding or in using language, spoken or written, which may
139 manifest itself in a diminished ability to listen, speak, read, write, spell
140 or to do mathematical calculations;

141 (32) "Marital status" means being single, married as recognized by
142 the state of Connecticut, widowed, separated or divorced;

143 (33) "Mental disability" means one or more mental disorders, as
144 defined in the most recent edition of the American Psychiatric
145 Association's "Diagnostic and Statistical Manual of Mental Disorders",
146 or a record of or regarding a person as having one or more such
147 disorders and, for purposes of section 46a-64c of the general statutes,
148 as amended by this act, only, also includes, but is not limited to, a
149 "handicap", as defined in the Fair Housing Act;

150 (34) "Mental retardation" means mental retardation, as defined in
151 section 1-1g of the general statutes, as amended by this act;

152 (35) "Mobile manufactured-home park" means a plot of land upon
153 which two or more mobile manufactured homes occupied for
154 residential purposes are located;

155 (36) "Person" means one or more individuals, partnerships,
156 associations, corporations, limited liability companies, legal
157 representatives, trustees, trustees in bankruptcy, receivers and the state
158 and all political subdivisions and agencies thereof;

159 (37) "Physical disability" means any chronic physical handicap,
160 infirmity or impairment, whether congenital or resulting from bodily
161 injury, organic processes or changes or from illness, including, but not
162 limited to, blindness, epilepsy, deafness or hearing impairment or

163 reliance on a wheelchair or other remedial appliance or device and, for
164 purposes of section 46a-64c of the general statutes, as amended by this
165 act, only, also includes, but is not limited to, a handicap, as defined in
166 the Fair Housing Act;

167 (38) "Public accommodation, resort or amusement" means any
168 establishment that offers its services, facilities or goods to the general
169 public, including, but not limited to, any commercial property or
170 building lot on which it is intended that a commercial building will be
171 constructed or offered for sale or rent;

172 (39) "Referee" means a human rights referee appointed pursuant to
173 section 46a-57 of the general statutes, as amended by this act;

174 (40) "Residential real-estate-related transaction" means: (A) The
175 making or purchasing of loans or providing other financial assistance
176 for purchasing, constructing, improving, repairing or maintaining a
177 dwelling, or secured by residential real estate; or (B) the selling,
178 brokering or appraising of residential real property;

179 (41) "Respondent" means any person, whether acting on his or her
180 own behalf or through an attorney, alleged in a complaint filed
181 pursuant to section 46a-82 of the general statutes, as amended by this
182 act, to have committed a discriminatory practice;

183 (42) "Sexual orientation" means heterosexuality, homosexuality or
184 bisexuality, or having a history of or being identified as such; and

185 (43) "To rent" includes to lease, to sublease, to let or to otherwise
186 grant for a consideration the right to occupy premises not owned by
187 the occupant.

188 Sec. 3. (NEW) (*Effective October 1, 2009*) It shall be a discriminatory
189 practice in violation of this section and chapter 814c of the general
190 statutes:

191 (1) For any person to retaliate or otherwise discriminate against any

192 person because such person has opposed any discriminatory practice
193 or because such person has filed a complaint or testified or assisted in
194 any proceeding under this section or chapter 814c of the general
195 statutes.

196 (2) For any person to aid, abet, incite, compel or coerce the doing of
197 any act declared to be a discriminatory practice or to attempt to do so.

198 Sec. 4. Subsection (a) of section 4a-60 of the general statutes is
199 repealed and the following is substituted in lieu thereof (*Effective*
200 *October 1, 2009*):

201 (a) Every contract to which the state or any political subdivision of
202 the state other than a municipality is a party shall contain the
203 following provisions: (1) The contractor agrees and warrants that in
204 the performance of the contract such contractor will not discriminate
205 or permit discrimination against any person or group of persons [on
206 the grounds] because of race, color, religious creed, age, [marital
207 status, national origin, ancestry, sex, mental retardation or physical
208 disability, including, but not limited to, blindness] sex, sexual
209 orientation, marital status, national origin, ancestry, present or past
210 history of mental disability, mental retardation, learning disability or
211 physical disability, unless it is shown by [such] the contractor that
212 [such] the disability prevents performance of the work involved, in
213 any manner prohibited by the laws of the United States or of the state
214 of Connecticut. The contractor further agrees to take affirmative action
215 to insure that applicants with job-related qualifications are employed
216 and that employees are treated when employed without regard to their
217 race, color, religious creed, age, [marital status, national origin,
218 ancestry, sex, mental retardation, or physical disability, including, but
219 not limited to, blindness] sex, sexual orientation, marital status,
220 national origin, ancestry, present or past history of mental disability,
221 mental retardation, learning disability or physical disability, unless it is
222 shown by [such] the contractor that [such] the disability prevents
223 performance of the work involved; (2) the contractor agrees, in all

224 solicitations or advertisements for employees placed by or on behalf of
225 the contractor, to state that it is an "affirmative action-equal
226 opportunity employer" in accordance with regulations adopted by the
227 commission; (3) the contractor agrees to provide each labor union or
228 representative of workers with which such contractor has a collective
229 bargaining agreement or other contract or understanding and each
230 vendor with which such contractor has a contract or understanding, a
231 notice to be provided by the commission advising the labor union or
232 workers' representative of the contractor's commitments under this
233 section, and to post copies of the notice in conspicuous places available
234 to employees and applicants for employment; (4) the contractor agrees
235 to comply with each provision of this section and sections 46a-68e and
236 46a-68f and with each regulation or relevant order issued by said
237 commission pursuant to sections 46a-56, as amended by this act, 46a-
238 68e, [and] 46a-68f [;] and 46a-86, as amended by this act; and (5) the
239 contractor agrees to provide the Commission on Human Rights and
240 Opportunities with such information requested by the commission,
241 and permit access to pertinent books, records and accounts, concerning
242 the employment practices and procedures of the contractor as relate to
243 the provisions of this section and section 46a-56, as amended by this
244 act. If the contract is a public works contract, the contractor agrees and
245 warrants that [he] the contractor will make good faith efforts to
246 employ minority business enterprises as subcontractors and suppliers
247 of materials on such public works project. Prior to entering into the
248 contract, the contractor shall provide the state or such political
249 subdivision of the state with documentation in the form of a company
250 or corporate policy adopted by resolution of the board of directors,
251 shareholders, managers, members or other governing body of such
252 contractor to support the nondiscrimination agreement and warranty
253 under subdivision (1) of this subsection. For the purposes of this
254 section, "contract" includes any extension or modification of the
255 contract, and "contractor" includes any successors or assigns of the
256 contractor.

257 Sec. 5. Subdivision (7) of subsection (a) of section 4a-60g of the

258 general statutes is repealed and the following is substituted in lieu
259 thereof (*Effective October 1, 2009*):

260 (7) "Individual with a disability" means an individual [(A) having a
261 physical or mental impairment that substantially limits one or more of
262 the major life activities of the individual, or (B) having a record of such
263 an impairment] who has a "mental disability" or "physical disability",
264 as defined in section 2 of this act.

265 Sec. 6. Section 46a-54 of the general statutes is repealed and the
266 following is substituted in lieu thereof (*Effective October 1, 2009*):

267 The commission shall have the following powers and duties:

268 (1) To establish and maintain such offices as the commission may
269 deem necessary;

270 (2) To organize the commission into a division of affirmative action
271 monitoring and contract compliance, a division of discriminatory
272 practice complaints and such other divisions, bureaus or units as may
273 be necessary for the efficient conduct of business; ~~[of the commission;]~~

274 (3) To employ legal staff and commission legal counsel as necessary
275 to perform the duties and responsibilities under [section 46a-55] this
276 chapter and section 3 of this act. One commission legal counsel shall
277 serve as supervising attorney. Each commission legal counsel shall be
278 admitted to practice law in this state;

279 (4) To appoint such investigators and other employees and agents as
280 it deems necessary, fix their compensation within the limitations
281 provided by law and prescribe their duties;

282 (5) To adopt, publish, amend and rescind regulations consistent
283 with and to effectuate the provisions of this chapter and section 3 of
284 this act;

285 (6) To establish rules of practice to govern, expedite and effectuate

286 the procedures set forth in this chapter and section 3 of this act;

287 (7) To recommend policies and make recommendations to agencies
288 and officers of the state and local subdivisions of government to
289 effectuate the policies of this chapter and section 3 of this act;

290 (8) To receive, initiate as provided in section 46a-82, as amended by
291 this act, investigate and mediate discriminatory practice complaints;

292 (9) By itself or [with or by hearing officers or human rights] by
293 referees, to hold hearings, subpoena witnesses and compel their
294 attendance, administer oaths, take the testimony of any person under
295 oath and require the production for examination of any books and
296 papers relating to any matter under investigation or in question;

297 (10) To make rules as to the procedure for the issuance of subpoenas
298 by individual commissioners [, hearing officers and human rights] and
299 referees;

300 (11) To require written answers to interrogatories under oath
301 relating to any complaint under investigation pursuant to this chapter
302 or section 3 of this act alleging any discriminatory practice as defined
303 in [subdivision (8) of section 46a-51] section 2 of this act, and to adopt
304 regulations, in accordance with the provisions of chapter 54, for the
305 procedure for the issuance of interrogatories and compliance with
306 interrogatory requests;

307 (12) To [utilize such] accept voluntary and uncompensated services
308 [of] from private individuals, agencies and organizations [as may from
309 time to time be offered and needed and with the cooperation of such
310 agencies,] (A) to study the problems of discrimination in all or specific
311 fields of human relationships; [,] and (B) to foster, through education
312 and community effort or otherwise, good will among the groups and
313 elements of the population of the state;

314 (13) To require the posting by an employer, employment agency or
315 labor organization of such notices regarding statutory provisions as

316 the commission shall provide;

317 (14) To require the posting, by any respondent or other person
318 subject to the requirements of section 46a-64, as amended by this act,
319 or 46a-64c, as amended by this act, [46a-81d or 46a-81e,] of such notices
320 of statutory provisions as it deems desirable;

321 (15) (A) To require an employer having three or more employees to
322 post in a prominent and accessible location information concerning the
323 illegality of sexual harassment and the remedies available to victims of
324 sexual harassment; and (B) to require an employer having fifty or more
325 employees to provide two hours of training and education [to all
326 supervisory employees within one year of October 1, 1992, and] to all
327 new supervisory employees within six months of their assumption of a
328 supervisory position, provided any employer who has provided such
329 training and education to any such employees after October 1, 1991,
330 shall not be required to provide such training and education a second
331 time. Such training and education shall include information
332 concerning the federal and state statutory provisions concerning
333 sexual harassment and the remedies available to victims of sexual
334 harassment. As used in this subdivision, "sexual harassment" shall
335 have the same meaning as set forth in subdivision [(8)] (6) of
336 subsection (a) of section 46a-60, as amended by this act, and
337 "employer" shall include the General Assembly;

338 (16) To require each state agency that employs one or more
339 employees to (A) provide a minimum of three hours of diversity
340 training and education [(i) to all supervisory and nonsupervisory
341 employees, not later than July 1, 2002, with priority for such training to
342 supervisory employees, and (ii)] to all newly hired supervisory and
343 nonsupervisory employees, not later than six months after their
344 assumption of a position with a state agency, with priority for such
345 training to supervisory employees. Such training and education shall
346 include information concerning the federal and state statutory
347 provisions concerning discrimination and hate crimes directed at

348 protected classes and the remedies available to victims of
349 discrimination and hate crimes, standards for working with and
350 serving persons from diverse populations and strategies for addressing
351 differences that may arise from diverse work environments; and (B)
352 submit an annual report to the Commission on Human Rights and
353 Opportunities concerning the status of the diversity training and
354 education required under subparagraph (A) of this subdivision. The
355 information in such annual reports shall be reviewed by the
356 commission for the purpose of submitting an annual summary report
357 to the General Assembly. [Notwithstanding the provisions of this
358 section, if a state agency has provided such diversity training and
359 education to any of its employees prior to October 1, 1999, such state
360 agency shall not be required to provide such training and education a
361 second time to such employees.] The requirements of this subdivision
362 shall be accomplished within available appropriations. As used in this
363 subdivision, "employee" shall include any part-time employee who
364 works more than twenty hours per week;

365 (17) To require each agency to submit information demonstrating its
366 compliance with subdivision (16) of this section as part of its
367 affirmative action plan and to receive and investigate complaints
368 concerning the failure of a state agency to comply with the
369 requirements of subdivision (16) of this section; and

370 (18) To enter into contracts for and accept grants of private or
371 federal funds and to accept gifts, donations or bequests, including
372 donations of service by attorneys.

373 Sec. 7. Section 46a-56 of the general statutes is repealed and the
374 following is substituted in lieu thereof (*Effective October 1, 2009*):

375 (a) The commission shall:

376 (1) Investigate the possibilities of affording equal opportunity of
377 profitable employment to all persons, with particular reference to job
378 training and placement;

379 (2) Compile facts concerning discrimination in employment,
380 violations of civil liberties and other related matters;

381 (3) Investigate and proceed in all cases of discriminatory practices as
382 provided in this chapter and section 3 of this act and noncompliance
383 with the provisions of section 4a-60, as amended by this act, 4a-60g, as
384 amended by this act, [or 4a-60a] or sections 46a-68c to 46a-68f,
385 inclusive;

386 (4) From time to time [, but not less than once a year,] report to the
387 Governor, [as provided in section 4-60,] making recommendations for
388 the removal of such injustices as it may find to exist and such other
389 recommendations as it deems advisable and describing the
390 investigations, proceedings and hearings it has conducted and their
391 outcome, the decisions it has rendered and the other work it has
392 performed;

393 (5) Monitor state contracts to determine whether they are in
394 compliance with [sections 4a-60 and 4a-60a,] section 4a-60, as amended
395 by this act, and those provisions of the general statutes which prohibit
396 discrimination; and

397 (6) Compile data concerning state contracts with female and
398 minority business enterprises and submit a report annually to the
399 General Assembly concerning the employment of such business
400 enterprises as contractors and subcontractors.

401 (b) The commission may, when it is deemed in the best interests of
402 the state, exempt a contractor or subcontractor from [the requirements
403 of] complying with any or all of the provisions of section 4a-60, as
404 amended by this act, [4a-60a,] 4a-60g, as amended by this act, 46a-68c,
405 46a-68d or 46a-68e, as amended by this act, in any specific contract.
406 Exemptions under [the provisions of] this [section] subsection may
407 include, but need not be limited to, the following: [instances:] (1) [If
408 the] The work is to be or has been performed outside the state and no
409 recruitment of workers within the [limits of the] state is involved; (2)

410 [those involving] the contract involves less than a specified [amounts]
 411 amount of money or specified numbers of workers; or (3) [to the extent
 412 that they involve subcontracts] the subcontract falls below a specified
 413 tier. The commission may also exempt facilities of a contractor [which]
 414 that are in all respects separate and distinct from activities of the
 415 contractor related to the performance of the contract, provided such an
 416 exemption shall not interfere with or impede [the effectuation of the
 417 purposes of] compliance with this section and sections 4a-60, as
 418 amended by this act, [4a-60a,] 4a-60g, as amended by this act, 4a-62
 419 and 46a-68b to 46a-68k, inclusive.

420 (c) If the commission determines through its monitoring and
 421 compliance procedures that a contractor or subcontractor is not
 422 complying with antidiscrimination statutes or contract provisions
 423 required under section 4a-60, as amended by this act, 4a-60g, as
 424 amended by this act, or [4a-60a or the provisions of] sections 46a-68c to
 425 46a-68f, inclusive, the commission may issue a complaint pursuant to
 426 subsection (c) of section 46a-82, as amended by this act. Such
 427 complaint shall be scheduled for a hearing before a [hearing officer or
 428 human rights] referee appointed to act as a presiding officer. Such
 429 hearing shall be held in accordance with chapter 54 and section 46a-84,
 430 as amended by this act. If, after such hearing, the [presiding officer]
 431 referee makes a finding of noncompliance with antidiscrimination
 432 statutes or contract provisions required under section 4a-60, as
 433 amended by this act, 4a-60g, as amended by this act, [or 4a-60a] or [the
 434 provisions of] sections 46a-68c to 46a-68f, inclusive, the [presiding
 435 officer may] referee shall order such relief as is necessary to achieve
 436 full compliance with antidiscrimination statutes and required contract
 437 provisions, including, but not limited to: (1) Order the state to retain
 438 two per cent of the total contract price per month on any existing
 439 contract with such contractor; (2) prohibit the contractor from
 440 participation in any further contracts with state agencies until: (A) The
 441 expiration of a period of two years from the date of the finding of
 442 noncompliance; [,] or (B) the [presiding officer] referee determines that
 443 the contractor has adopted policies consistent with such statutes,

444 provided the [presiding officer] referee shall make such determination
 445 [within] not later than forty-five days [of] after such finding of
 446 noncompliance; (3) publish, or cause to be published, the names of
 447 contractors or unions that the [presiding officer] referee has found to
 448 be in noncompliance with such provisions; (4) notify the Attorney
 449 General that, in cases in which there is substantial [or material]
 450 violation or the threat of substantial [or material] violation of [the
 451 contractual provisions set forth in] section 4a-60, as amended by this
 452 act, that [or 4a-60a,] appropriate proceedings [should] be brought to
 453 enforce such provisions, including the enjoining [, within the
 454 limitations of applicable law,] of organizations, individuals or groups
 455 [who] that prevent [directly or indirectly,] or seek to prevent [directly
 456 or indirectly,] compliance with [the provisions of] section 4a-60, as
 457 amended by this act; [or 4a-60a;] (5) recommend to the Equal
 458 Employment Opportunity Commission or the Department of Justice
 459 that appropriate proceedings be instituted under Title VII of the Civil
 460 Rights Act of 1964 or related laws, when necessary; (6) recommend to
 461 the appropriate prosecuting authority that criminal proceedings be
 462 brought for the furnishing of false information to any contracting
 463 agency or to the commission; [as the case may be;] (7) order the
 464 contractor to bring itself into compliance with antidiscrimination
 465 statutes or contract provisions required under section 4a-60, as
 466 amended by this act, 4a-60g, as amended by this act, or [4a-60a or]
 467 sections 46a-68c to 46a-68f, inclusive, within a period of thirty days or,
 468 for good cause shown, within an additional period of thirty days, and,
 469 if such contractor fails to bring itself into [such] compliance within
 470 such time period and such noncompliance is substantial [or material]
 471 or there is a pattern of noncompliance, recommend to the contracting
 472 agency that such contracting agency declare the contractor to be in
 473 breach of the contract and that such contracting agency pursue all
 474 available remedies; [or] (8) order the contracting agency to refrain from
 475 entering into further contracts, or extensions or other modifications of
 476 existing contracts, with any noncomplying contractor, until such
 477 contractor has satisfied the commission that such contractor has

478 established and will carry out personnel and employment policies [in
479 compliance] that comply with antidiscrimination statutes, [and the
480 provisions of] section 4a-60, as amended by this act, [or 4a-60a] and
481 sections 46a-68c to 46a-68f, inclusive; or (9) order two or more of the
482 remedies set forth in subdivisions (1) to (8), inclusive, of this
483 subsection. The commission shall adopt regulations, in accordance
484 with chapter 54, to implement the provisions of this section.

485 (d) If the commission determines [.] through its monitoring and
486 compliance procedures [and after a complaint is filed and a hearing is
487 held pursuant to subsection (c) of this section,] that, with respect to a
488 state contract, a contractor, subcontractor or supplier of materials has;
489 (1) fraudulently qualified as a minority business enterprise; [.] or (2)
490 performed services or supplied materials on behalf of another
491 contractor, subcontractor or supplier of materials knowing (A) that
492 such other contractor, subcontractor or supplier has fraudulently
493 qualified as a minority business enterprise in order to appear to
494 comply with antidiscrimination statutes or contract provisions
495 required under section 4a-60, as amended by this act; [or 4a-60a,] and
496 (B) that such services or materials are to be used in connection with a
497 contract entered into pursuant to subsection (b) of section 4a-60g, as
498 amended by this act, the [hearing officer or human rights referee
499 before whom such hearing was held] commission may issue a
500 complaint pursuant to subsection (c) of section 46a-82, as amended by
501 this act. Such complaint shall be scheduled for a hearing before a
502 referee appointed by the chief referee to act as a presiding officer. The
503 hearing shall be held in accordance with chapter 54 and section 46a-84,
504 as amended by this act. If, after the hearing, the referee makes a
505 finding that a contractor, subcontractor or supplier of materials has
506 violated this subsection, the referee shall assess a civil penalty of not
507 more than ten thousand dollars upon such contractor, subcontractor or
508 supplier of materials.

509 (e) The Attorney General, upon complaint of the commission, shall
510 institute a civil action in the superior court for the judicial district of

511 Hartford to recover [such penalty] any penalty assessed pursuant to
 512 subsection (d) of this section. Any penalties recovered pursuant to this
 513 subsection shall be deposited in a special fund and shall be held by the
 514 State Treasurer separate and apart from all other moneys, funds and
 515 accounts. The resources in such fund shall, pursuant to regulations
 516 adopted by the commission in accordance with the provisions of
 517 chapter 54, be used to assist minority business enterprises. As used in
 518 this section, "minority business enterprise" means any contractor,
 519 subcontractor or supplier of materials fifty-one per cent or more of the
 520 capital stock, if any, or assets of which is owned by a person or
 521 persons: (i) Who are active in the daily affairs of the enterprise; (ii) who
 522 have the power to direct the management and policies of the
 523 enterprise; and (iii) who are members of a minority, as defined in
 524 subsection (a) of section 32-9n.

525 Sec. 8. Subsections (b) to (d), inclusive, of section 46a-57 of the
 526 general statutes are repealed and the following is substituted in lieu
 527 thereof (*Effective October 1, 2009*):

528 (b) [Human rights referees] Referees shall serve full-time and shall
 529 conduct the settlement negotiations and hearings authorized by [the
 530 provisions of] this chapter and section 3 of this act. A [human rights]
 531 referee shall have the powers granted to [hearing officers and]
 532 presiding officers by chapter 54, [and] this chapter and section 3 of this
 533 act. A [human rights] referee shall be an attorney admitted to the
 534 practice of law in this state. Any commissioner of the Superior Court
 535 who is able and willing to hear discriminatory practice complaints may
 536 submit his or her name to the Governor for consideration for
 537 appointment. [as a human rights referee. No human rights] No referee
 538 shall appear before the commission or another [hearing officer] referee
 539 for one year after leaving office.

540 (c) On or after October 1, 1998, the executive director shall designate
 541 one [human rights] referee to serve as [Chief Human Rights Referee]
 542 chief referee for a term of one year. The [Chief Human Rights Referee]

543 chief referee, in consultation with the executive director, shall
 544 supervise and assign the [human rights] referees to conduct settlement
 545 negotiations and hearings on complaints [, including complaints for
 546 which a trial on the merits has not commenced prior to October 1,
 547 1998,] on a rotating basis. The commission, in consultation with the
 548 executive director and [Chief Human Rights Referee] the chief referee,
 549 shall adopt regulations and rules of practice, in accordance with
 550 chapter 54, to ensure consistent procedures governing contested case
 551 proceedings.

552 (d) When serving as a presiding officer as provided in section 46a-
 553 84, as amended by this act, each [human rights referee or hearing
 554 officer] referee shall have the same subpoena powers as are granted to
 555 commissioners by subdivision (9) of section 46a-54, as amended by this
 556 act. Each [presiding officer] referee shall also have the power to
 557 determine a reasonable fee to be paid to an expert witness [, including,
 558 but not limited to, any practitioner of the healing arts, as defined in
 559 section 20-1, dentist, registered nurse or licensed practical nurse, as
 560 defined in section 20-87a, and real estate appraiser when any such
 561 expert witness is summoned by the commission to give expert
 562 testimony, in person or by deposition, in any contested case
 563 proceeding, pursuant to section 46a-84. Such fee shall be paid to the
 564 expert witness in lieu of all other witness fees] called by the
 565 commission to give expert testimony in person or by deposition
 566 pursuant to section 46a-84, as amended by this act. Such fee shall be
 567 paid to the expert witness in lieu of any other witness fees. For the
 568 purposes of this subsection, "expert witness" includes, but is not
 569 limited to, any practitioner of the healing arts, as defined in section 20-
 570 1, a dentist, a registered nurse or licensed practical nurse, as defined in
 571 section 20-87a, or a real estate appraiser, as defined in section 20-500.

572 Sec. 9. Section 46a-58 of the general statutes is repealed and the
 573 following is substituted in lieu thereof (*Effective October 1, 2009*):

574 (a) It shall be a discriminatory practice in violation of this section for

575 any person to subject, or cause to be subjected, any other person to the
576 deprivation of any rights, privileges or immunities, secured or
577 protected by the Constitution or laws of this state or of the United
578 States [, on account of religion, national origin, alienage, color, race,]
579 because of race, color, religious creed, age, sex, sexual orientation,
580 [blindness] marital status, national origin, ancestry, present or past
581 history of mental disability, mental retardation, learning disability or
582 physical disability.

583 (b) Any person who intentionally desecrates any public property,
584 monument or structure, or any religious object, symbol or house of
585 religious worship, or any cemetery, or any private structure not owned
586 by such person, shall be in violation of subsection (a) of this section.
587 For the purposes of this subsection, "desecrate" means to mar, deface
588 or damage as a demonstration of irreverence or contempt.

589 (c) Any person who places a burning cross or a simulation thereof
590 on any public property, or on any private property without the written
591 consent of the owner, shall be in violation of subsection (a) of this
592 section.

593 (d) Any person who places a noose or a simulation thereof on any
594 public property, or on any private property without the written
595 consent of the owner, and with intent to intimidate or harass any other
596 person [on account of religion, national origin, alienage, color, race,]
597 because of race, color, religious creed, age, sex, sexual orientation,
598 [blindness] marital status, national origin, ancestry, present or past
599 history of mental disability, mental retardation, learning disability or
600 physical disability, shall be in violation of subsection (a) of this section.

601 [(e) Any person who violates any provision of this section shall be
602 guilty of a class A misdemeanor, except that if property is damaged as
603 a consequence of such violation in an amount in excess of one
604 thousand dollars, such person shall be guilty of a class D felony.]

605 Sec. 10. Subsection (a) of section 46a-59 of the general statutes is

606 repealed and the following is substituted in lieu thereof (*Effective*
607 *October 1, 2009*):

608 (a) It shall be a discriminatory practice in violation of this section for
609 any association, board or other organization the principal purpose of
610 which is the furtherance of the professional, trade or occupational
611 interests of its members [] whose profession, trade or occupation
612 requires a state license, to refuse to accept a person as a member of
613 such association, board or organization because of [his race, national
614 origin, creed, sex or color] race, color, religious creed, age, sex, sexual
615 orientation, marital status, national origin, ancestry, present or past
616 history of mental disability, mental retardation, learning disability or
617 physical disability.

618 Sec. 11. Subsection (a) of section 46a-60 of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective*
620 *October 1, 2009*):

621 (a) It shall be a discriminatory practice in violation of this section:

622 (1) For an employer, by [the employer or the employer's] itself or its
623 agent, except in the case of a bona fide occupational qualification or
624 need, to refuse to hire or employ or to bar or to discharge from
625 employment any individual or to discriminate against [such] any
626 individual in compensation or in terms, conditions or privileges of
627 employment because of the individual's race, color, religious creed,
628 age, sex, sexual orientation, marital status, national origin, ancestry,
629 present or past history of mental disability, mental retardation,
630 learning disability or physical disability; [including, but not limited
631 to, blindness;]

632 (2) For any employment agency, except in the case of a bona fide
633 occupational qualification or need, to fail or refuse to classify properly
634 or refer for employment or otherwise to discriminate against any
635 individual because of such individual's race, color, religious creed, age,
636 sex, sexual orientation, marital status, national origin, ancestry, present

637 or past history of mental disability, mental retardation, learning
638 disability or physical disability; [, including, but not limited to,
639 blindness;]

640 (3) For a labor organization, [because of the race, color, religious
641 creed, age, sex, marital status, national origin, ancestry, present or past
642 history of mental disability, mental retardation, learning disability or
643 physical disability, including, but not limited to, blindness of any
644 individual] except in the case of a bona fide occupational qualification
645 or need, to exclude from full membership rights or to expel from its
646 membership [such] any individual or to discriminate in any way
647 against any of its members or against any employer or any individual
648 employed by an employer [, unless such action is based on a bona fide
649 occupational qualification] because of such individual's race, color,
650 religious creed, age, sex, sexual orientation, marital status, national
651 origin, ancestry, present or past history of mental disability, mental
652 retardation, learning disability or physical disability;

653 [(4) For any person, employer, labor organization or employment
654 agency to discharge, expel or otherwise discriminate against any
655 person because such person has opposed any discriminatory
656 employment practice or because such person has filed a complaint or
657 testified or assisted in any proceeding under section 46a-82, 46a-83 or
658 46a-84;

659 (5) For any person, whether an employer or an employee or not, to
660 aid, abet, incite, compel or coerce the doing of any act declared to be a
661 discriminatory employment practice or to attempt to do so;]

662 [(6)] (4) For any person, employer, employment agency or labor
663 organization, except in the case of a bona fide occupational
664 qualification or need, to advertise employment opportunities in such a
665 manner as to restrict such employment so as to discriminate against
666 individuals because of their race, color, religious creed, age, sex, sexual
667 orientation, marital status, national origin, ancestry, present or past
668 history of mental disability, mental retardation, learning disability or

669 physical disability; [, including, but not limited to, blindness;]

670 [(7)] (5) For an employer, by [the employer or the employer's] itself
 671 or its agent: (A) To terminate a woman's employment because of her
 672 pregnancy; (B) to refuse to grant to that employee a reasonable leave of
 673 absence for disability resulting from her pregnancy; (C) to deny to that
 674 employee, who is disabled as a result of pregnancy, any compensation
 675 to which she is entitled as a result of the accumulation of disability or
 676 leave benefits accrued pursuant to plans maintained by the employer;
 677 (D) to fail or refuse to reinstate the employee to her original job or to
 678 an equivalent position with equivalent pay and accumulated seniority,
 679 retirement, fringe benefits and other service credits upon her
 680 signifying her intent to return unless, in the case of a private employer,
 681 the employer's circumstances have so changed as to make it impossible
 682 or unreasonable to do so; (E) to fail or refuse to make a reasonable
 683 effort to transfer a pregnant employee to any suitable temporary
 684 position which may be available in any case in which an employee
 685 gives written notice of her pregnancy to her employer and the
 686 employer or pregnant employee reasonably believes that continued
 687 employment in the position held by the pregnant employee may cause
 688 injury to the employee or fetus; (F) to fail or refuse to inform the
 689 pregnant employee that a transfer pursuant to subparagraph (E) of this
 690 subdivision may be appealed under the provisions of this chapter; or
 691 (G) to fail or refuse to inform employees of the employer, by any
 692 reasonable means, that they must give written notice of their
 693 pregnancy [in order] to be eligible for transfer to a temporary position;

694 [(8)] (6) For an employer, by [the employer or the employer's] itself
 695 or its agent, for an employment agency, by itself or its agent, or for any
 696 labor organization, by itself or its agent, to harass or to permit the
 697 sexual harassment of any employee, person seeking employment or
 698 member [on the basis] because of sex. "Sexual harassment" shall, for
 699 the purposes of this section, be defined as any unwelcome sexual
 700 advances or requests for sexual favors or any conduct of a sexual
 701 nature when (A) submission to such conduct is made either explicitly

702 or implicitly a term or condition of an individual's employment; [.] (B)
703 submission to or rejection of such conduct by an individual is used as
704 the basis for employment decisions affecting such individual; [.] or (C)
705 such conduct has the purpose or effect of substantially interfering with
706 an individual's work performance or creating an intimidating, hostile
707 or offensive working environment;

708 [(9)] (7) For an employer, by [the employer or the employer's] itself
709 or its agent, for an employment agency, by itself or its agent, or for any
710 labor organization, by itself or its agent, to request or require
711 information from an employee, person seeking employment or
712 member relating to the individual's child-bearing age or plans,
713 pregnancy, function of the individual's reproductive system, use of
714 birth control methods, or the individual's familial responsibilities,
715 unless such information is directly related to a bona fide occupational
716 qualification or need, provided an employer, through a physician may
717 request from an employee any such information which is directly
718 related to workplace exposure to substances which may cause birth
719 defects or constitute a hazard to an individual's reproductive system or
720 to a fetus if the employer first informs the employee of the hazards
721 involved in exposure to such substances;

722 [(10)] (8) For an employer, by [the employer or the employer's] itself
723 or its agent, after informing an employee, pursuant to subdivision (9)
724 of this subsection, of a workplace exposure to substances which may
725 cause birth defects or constitute a hazard to an employee's
726 reproductive system or to a fetus, to fail or refuse, upon the employee's
727 request, to take reasonable measures to protect the employee from the
728 exposure or hazard identified, or to fail or refuse to inform the
729 employee that the measures taken may be the subject of a complaint
730 filed under the provisions of this chapter or section 3 of this act.
731 Nothing in this subdivision is intended to prohibit an employer from
732 taking reasonable measures to protect an employee from exposure to
733 such substances. For the purpose of this subdivision, "reasonable
734 measures" shall be those measures [which] that are consistent with

735 business necessity and are least disruptive of the terms and conditions
736 of the employee's employment;

737 [(11)] (9) For an employer, by [the employer or the employer's] itself
738 or its agent, for an employment agency, by itself or its agent, or for any
739 labor organization, by itself or its agent: (A) To request or require
740 genetic information from an employee, person seeking employment or
741 member; [,] or (B) to discharge, expel or otherwise discriminate against
742 any person on the basis of genetic information. For the purpose of this
743 subdivision, "genetic information" means the information about genes,
744 gene products or inherited characteristics that may derive from an
745 individual or a family member.

746 Sec. 12. Section 46a-61 of the general statutes is repealed and the
747 following is substituted in lieu thereof (*Effective October 1, 2009*):

748 The use of numerical goals, [or quotas,] quotas or other types of
749 affirmative action programs [,] in the administration or enforcement of
750 [the provisions of] section 46a-60, as amended by this act, relating to
751 discrimination [on account] because of a present or past history of
752 mental [disorder] disability is prohibited.

753 Sec. 13. Section 46a-64 of the general statutes is repealed and the
754 following is substituted in lieu thereof (*Effective October 1, 2009*):

755 (a) It shall be a discriminatory practice in violation of this section: (1)
756 To deny any person within the jurisdiction of this state full and equal
757 accommodations in any [place of] public accommodation, resort or
758 amusement because of race, [creed, color, national origin, ancestry, sex,
759 marital status, age, lawful source of income, mental retardation, mental
760 disability or physical disability, including, but not limited to, blindness
761 or deafness of the applicant] color, religious creed, age, sex, sexual
762 orientation, marital status, national origin, ancestry, present or past
763 history of mental disability, mental retardation, learning disability,
764 physical disability or lawful source of income, subject only to the
765 conditions and limitations established by law and applicable alike to

766 all persons; (2) to discriminate, segregate or separate on account of
 767 race, [creed, color, national origin, ancestry, sex, marital status, age,
 768 lawful source of income, mental retardation, mental disability, learning
 769 disability or physical disability, including, but not limited to, blindness
 770 or deafness] color, religious creed, age, sex, sexual orientation, marital
 771 status, national origin, ancestry, present or past history of mental
 772 disability, mental retardation, learning disability, physical disability or
 773 lawful source of income; (3) for a [place of] public accommodation,
 774 resort or amusement to restrict or limit the right of a mother to breast-
 775 feed her child; (4) for a [place of] public accommodation, resort or
 776 amusement to fail or refuse to post a notice [,] in a conspicuous place
 777 [,] that any blind, deaf, [or] mobility impaired or otherwise disabled
 778 person, accompanied by [his] a guide dog wearing a harness or an
 779 orange-colored leash and collar, may enter such premises or facilities;
 780 or (5) to deny any blind, deaf, [or] mobility impaired or otherwise
 781 disabled person or any person training a dog as a guide dog or an
 782 assistance dog, [for a blind person or a dog to assist a deaf or mobility
 783 impaired person,] accompanied by [his] a guide dog or assistance dog,
 784 full and equal access to any [place of] public accommodation, resort or
 785 amusement. Any blind, deaf, [or] mobility impaired or otherwise
 786 disabled person or any person training a dog as a guide dog or an
 787 assistance dog [for a blind person or a dog to assist a deaf or mobility
 788 impaired person] may keep [his] a guide dog or assistance dog [with
 789 him] at all times in [such place of] a public accommodation, resort or
 790 amusement at no extra charge, provided the dog wears a harness or an
 791 orange-colored leash and collar and is in the direct custody of such
 792 person. The blind, deaf, [or] mobility impaired or otherwise disabled
 793 person or person training a dog as a guide dog [for a blind person or a
 794 dog to assist a deaf or mobility impaired person] or an assistance dog
 795 shall be liable for any damage done to the premises or facilities by [his]
 796 such dog. For purposes of this subdivision, "guide dog" or "assistance
 797 dog" includes a dog being trained as a guide dog or assistance dog and
 798 ["person training a dog as a guide dog for a blind person or a dog to
 799 assist a deaf or mobility impaired person"] "person training a dog as a

800 guide dog or an assistance dog" means a person who is employed by
801 and authorized to engage in designated training activities by a guide
802 dog organization or assistance dog organization that complies with the
803 criteria for membership in a professional association of guide dog or
804 assistance dog schools and who carries photographic identification
805 indicating such employment and authorization.

806 (b) (1) The provisions of this section with respect to the prohibition
807 of [sex] discrimination because of sex shall not apply to (A) the rental
808 of sleeping accommodations provided by associations and
809 organizations which rent all such sleeping accommodations on a
810 temporary or permanent basis for the exclusive use of persons of the
811 same sex, or (B) separate bathrooms or locker rooms based on sex. (2)
812 The provisions of this section with respect to the prohibition of
813 discrimination [on the basis] because of age shall not apply to minors
814 or to special discount or other public or private programs to assist
815 persons sixty years of age and older. (3) The provisions of this section
816 with respect to the prohibition of discrimination [on the basis] because
817 of physical disability shall not require any person to modify [his]
818 property in any way or provide a higher degree of care for a physically
819 disabled person [, including, but not limited to blind or deaf persons,]
820 than for a person not physically disabled, unless otherwise required by
821 state or federal law. (4) The provisions of this section with respect to
822 the prohibition of discrimination [on the basis of] because of religious
823 creed shall not apply to the practice of granting preference in
824 admission of residents into a nursing home, as defined in section 19a-
825 490, if (A) the nursing home is owned, operated by or affiliated with a
826 religious organization [,] exempt from taxation for federal income tax
827 purposes, and (B) the class of persons granted preference in admission
828 is consistent with the religious mission of the nursing home. (5) The
829 provisions of this section with respect to the prohibition of
830 discrimination [on the basis] because of lawful source of income shall
831 not prohibit the denial of full and equal accommodations solely on the
832 basis of insufficient income.

833 [(c) Any person who violates any provision of this section shall be
834 fined not less than twenty-five dollars or more than one hundred
835 dollars or imprisoned not more than thirty days, or both.]

836 Sec. 14. Section 46a-64c of the general statutes is repealed and the
837 following is substituted in lieu thereof (*Effective October 1, 2009*):

838 (a) It shall be a discriminatory practice in violation of this section:

839 (1) To refuse to sell or rent, after the making of a bona fide offer, or
840 to refuse to negotiate for the sale or rental of, or otherwise make
841 unavailable or deny, a dwelling to any person because of race, [creed,
842 color, national origin, ancestry, sex, marital status, age] color, religious
843 creed, age, sex, sexual orientation, marital status, national origin,
844 ancestry, present or past history of mental disability, mental
845 retardation, learning disability, physical disability, lawful source of
846 income or familial status.

847 (2) To discriminate against any person in the terms, conditions [,] or
848 privileges of sale or rental of a dwelling, or in the provision of services
849 or facilities in connection therewith, because of race, [creed, color,
850 national origin, ancestry, sex, marital status, age] color, religious creed,
851 age, sex, sexual orientation, marital status, national origin, ancestry,
852 present or past history of mental disability, mental retardation,
853 learning disability, physical disability, lawful source of income or
854 familial status.

855 (3) To make, print or publish, or cause to be made, printed or
856 published, any notice, statement [,] or advertisement [,] with respect to
857 the sale or rental of a dwelling that indicates any preference, limitation
858 [,] or discrimination based on race, [creed, color, national origin,
859 ancestry, sex, marital status, age, lawful source of income, familial
860 status, learning disability or physical or mental disability, or an] color,
861 religious creed, age, sex, sexual orientation, marital status, national
862 origin, ancestry, present or past history of mental disability, mental
863 retardation, learning disability, physical disability, lawful source of

864 income or familial status, or any intention to make any such
865 preference, limitation or discrimination.

866 (4) (A) To represent to any person because of race, [creed, color,
867 national origin, ancestry, sex, marital status, age, lawful source of
868 income, familial status, learning disability or physical or mental
869 disability] color, religious creed, age, sex, sexual orientation, marital
870 status, national origin, ancestry, present or past history of mental
871 disability, mental retardation, learning disability, physical disability,
872 lawful source of income or familial status that any dwelling is not
873 available for inspection, sale or rental when such dwelling is in fact so
874 available.

875 (B) It shall be a violation of this subdivision for any person to
876 restrict or attempt to restrict the choices of any buyer or renter to
877 purchase or rent a dwelling; (i) [to] To an area which is substantially
878 populated, even if less than a majority, by persons of the same
879 protected class as the buyer or renter; [,] (ii) while such person is
880 authorized to offer for sale or rent another dwelling which meets the
881 housing criteria as expressed by the buyer or renter to such person;
882 and (iii) such other dwelling is in an area which is not substantially
883 populated by persons of the same protected class as the buyer or
884 renter. As used in this subdivision, "area" means municipality,
885 neighborhood or other geographic subdivision which may include an
886 apartment or condominium complex; and "protected class" means race,
887 [creed, color, national origin, ancestry, sex, marital status, age, lawful
888 source of income, familial status, learning disability or physical or
889 mental disability] color, religious creed, age, sex, sexual orientation,
890 marital status, national origin, ancestry, present or past history of
891 mental disability, mental retardation, learning disability, physical
892 disability, lawful source of income or familial status.

893 (5) For profit, to induce or attempt to induce any person to sell or
894 rent any dwelling by representations regarding the entry or
895 prospective entry into the neighborhood of a person or persons of a

896 particular race, [creed, color, national origin, ancestry, sex, marital
897 status, age, lawful source of income, familial status, learning disability
898 or physical or mental disability] color, religious creed, age, sex, sexual
899 orientation, marital status, national origin, ancestry, present or past
900 history of mental disability, mental retardation, learning disability,
901 physical disability, lawful source of income or familial status.

902 (6) (A) To discriminate in the sale or rental, or to otherwise make
903 unavailable or deny, a dwelling to any buyer or renter because of a
904 learning disability, mental retardation or physical or mental disability
905 of: (i) Such buyer or renter; (ii) a person residing in or intending to
906 reside in such dwelling after it is so sold, rented, or made available; or
907 (iii) any person associated with such buyer or renter.

908 (B) To discriminate against any person in the terms, conditions or
909 privileges of sale or rental of a dwelling, or in the provision of services
910 or facilities in connection with such dwelling, because of a learning
911 disability, mental retardation or physical or mental disability of: (i)
912 Such person; or (ii) a person residing in or intending to reside in such
913 dwelling after it is so sold, rented, or made available; or (iii) any
914 person associated with such person.

915 (C) For purposes of this subdivision, discrimination includes: (i) A
916 refusal to permit, at the expense of a person with a learning disability,
917 mental retardation or physical or mental disability, reasonable
918 modifications of existing premises occupied or to be occupied by such
919 person, if such modifications may be necessary to afford such person
920 full enjoyment of the premises, [;] except that, in the case of a rental,
921 the landlord may, where it is reasonable to do so, condition permission
922 for a modification on the renter agreeing to restore the interior of the
923 premises to the condition that existed before the modification,
924 reasonable wear and tear excepted; (ii) a refusal to make reasonable
925 accommodations in rules, policies, practices or services, when such
926 accommodations may be necessary to afford such person equal
927 opportunity to use and enjoy a dwelling; and (iii) in connection with

928 the design and construction of covered multifamily dwellings for the
929 first occupancy after March 13, 1991, a failure to design and construct
930 those dwellings in such manner that they comply with the
931 requirements of Section 804(f) of the Fair Housing Act or the
932 provisions of the state building code as adopted pursuant to the
933 provisions of sections 29-269 and 29-273, whichever requires greater
934 accommodation. "Covered multifamily dwellings" means buildings
935 consisting of four or more units, if such buildings have one or more
936 elevators, and ground floor units in other buildings consisting of four
937 or more units.

938 (7) For any person or other entity engaging in residential real-estate-
939 related transactions, to discriminate against any person in making
940 available such a transaction, or in the terms or conditions of such a
941 transaction, because of race, [creed, color, national origin, ancestry, sex,
942 marital status, age, lawful source of income, familial status, learning
943 disability or physical or mental disability] color, religious creed, age,
944 sex, sexual orientation, marital status, national origin, ancestry, present
945 or past history of mental disability, mental retardation, learning
946 disability, physical disability, lawful source of income or familial
947 status.

948 (8) To deny any person access to or membership or participation in
949 any multiple-listing service, real estate brokers' organization or other
950 service, organization [,] or facility relating to the business of selling or
951 renting dwellings, or to discriminate against [him] any person in the
952 terms or conditions of such access, membership or participation, [on
953 account] because of race, [creed, color, national origin, ancestry, sex,
954 marital status, age, lawful source of income, familial status, learning
955 disability or physical or mental disability] color, religious creed, age,
956 sex, sexual orientation, marital status, national origin, ancestry, present
957 or past history of mental disability, mental retardation, learning
958 disability, physical disability, lawful source of income or familial
959 status.

960 (9) To coerce, intimidate, threaten [.] or interfere with any person in
 961 the exercise or enjoyment of, or on account of [his] such person's
 962 having exercised or enjoyed, or on account of [his] such person's
 963 having aided or encouraged any other person in the exercise or
 964 enjoyment of, any right granted or protected by this section.

965 (b) (1) The provisions of this section shall not apply to (A) the rental
 966 of a room or rooms in a single-family dwelling unit, if the owner
 967 actually maintains and occupies part of such living quarters as his or
 968 her residence; or (B) a unit in a dwelling containing living quarters
 969 occupied or intended to be occupied by no more than two families
 970 living independently of each other, if the owner actually maintains and
 971 occupies the other [such living quarters] unit as his or her residence.

972 (2) The provisions of this section with respect to the prohibition of
 973 discrimination [on the basis] because of marital status shall not be
 974 construed to prohibit the denial of a dwelling to a man or a woman
 975 who are both unrelated by blood and not married to each other. (3)

976 The provisions of this section with respect to the prohibition of
 977 discrimination [on the basis] because of age shall not apply to minors,
 978 to special discount or other public or private programs to assist
 979 persons sixty years of age and older or to housing for older persons, as
 980 defined in section [46a-64b] 2 of this act, provided there is no
 981 discrimination [on the basis] because of age among older persons
 982 eligible for such housing. (4) The provisions of this section with respect

983 to the prohibition of discrimination [on the basis] because of familial
 984 status shall not apply to housing for older persons, as defined in
 985 section [46a-64b] 2 of this act, or to a unit in a dwelling containing
 986 units for no more than four families living independently of each
 987 other, if the owner of such dwelling resides in one of the units. (5) The

988 provisions of this section with respect to the prohibition of
 989 discrimination [on the basis] because of lawful source of income shall
 990 not prohibit the denial of full and equal accommodations solely on the
 991 basis of insufficient income. (6) The provisions of this section with
 992 respect to the prohibition of discrimination [on the basis] because of
 993 sex shall not apply to the rental of sleeping accommodations to the

994 extent they utilize shared bathroom facilities, when such sleeping
995 accommodations are provided by associations and organizations
996 which rent such [sleeping] accommodations on a temporary or
997 permanent basis for the exclusive use of persons of the same sex based
998 on considerations of privacy and modesty.

999 (c) Nothing in this section limits the applicability of any reasonable
1000 state statute or municipal ordinance restricting the maximum number
1001 of persons permitted to occupy a dwelling.

1002 (d) Nothing in this section [or section 46a-64b] shall be construed to
1003 invalidate or limit any state statute or municipal ordinance that
1004 requires dwellings to be designed and constructed in a manner that
1005 affords persons with physical or mental disabilities greater access than
1006 is required by this section. [or section 46a-64b.]

1007 (e) Nothing in this section prohibits a person engaged in the
1008 business of furnishing appraisals of real property [to take] from taking
1009 into consideration factors other than race, [creed, color, national origin,
1010 ancestry, sex, marital status, age, lawful source of income, familial
1011 status, learning disability or physical or mental disability] color,
1012 religious creed, age, sex, sexual orientation, marital status, national
1013 origin, ancestry, present or past history of mental disability, mental
1014 retardation, learning disability, physical disability, lawful source of
1015 income or familial status.

1016 (f) Notwithstanding any other provision of this chapter or section 3
1017 of this act, complaints alleging a violation of this section shall be
1018 investigated within one hundred days of filing and a final
1019 administrative disposition shall be made within one year of filing
1020 unless it is impracticable to do so. If the Commission on Human Rights
1021 and Opportunities is unable to complete its investigation or make a
1022 final administrative determination within such time frames, it shall
1023 notify the complainant and the respondent in writing of the reasons for
1024 not doing so.

1025 [(g) Any person who violates any provision of this section shall be
1026 fined not less than twenty-five dollars or more than one hundred
1027 dollars or imprisoned not more than thirty days, or both.]

1028 Sec. 15. Subsection (a) of section 46a-66 of the general statutes is
1029 repealed and the following is substituted in lieu thereof (*Effective*
1030 *October 1, 2009*):

1031 (a) It shall be a discriminatory practice in violation of this section for
1032 any creditor to discriminate [on the basis of sex, age,] because of race,
1033 color, religious creed, age, sex, sexual orientation, marital status,
1034 national origin, ancestry, [marital status] present or past history of
1035 mental disability, mental retardation, learning disability [, blindness]
1036 or physical disability against any person eighteen years of age or over
1037 in any credit transaction.

1038 Sec. 16. Section 46a-67 of the general statutes is repealed and the
1039 following is substituted in lieu thereof (*Effective October 1, 2009*):

1040 (a) The Banking Commissioner shall cooperate with the commission
1041 in its enforcement of sections [46a-65 to 46a-67, inclusive, 46a-81f] 46a-
1042 66, as amended by this act, 46a-67, as amended by this act, and 46a-98,
1043 as amended by this act.

1044 (b) The Banking Commissioner shall comply with the commission's
1045 request for information, reasonable investigatory assistance and the
1046 promulgation of regulations which may be required for the effective
1047 administration of sections [46a-65 to 46a-67, inclusive, 46a-81f] 46a-66,
1048 as amended by this act, 46a-67, as amended by this act, and 46a-98, as
1049 amended by this act.

1050 Sec. 17. Subsection (b) of section 46a-68a of the general statutes is
1051 repealed and the following is substituted in lieu thereof (*Effective*
1052 *October 1, 2009*):

1053 (b) The issuance of a certificate of noncompliance shall bar the
1054 agency, department, board or commission in noncompliance with

1055 section 46a-68 from filling a position or position classification by hire
 1056 or promotion upon receipt of the certificate, the provisions of any state
 1057 law or regulation to the contrary notwithstanding, until: (1) The
 1058 commission determines that the agency has achieved compliance with
 1059 section 46a-68 and withdraws the certificate; [or] (2) the commission, at
 1060 a hearing requested by the agency, department, board or commission
 1061 receiving the certificate and conducted by a [presiding officer] referee
 1062 appointed by the [chairperson of the commission] chief referee, is
 1063 unable to show cause why the certificate of noncompliance should not
 1064 be rescinded or a court, upon appeal, so determines; or (3) the
 1065 Commissioner of Administrative Services and the Secretary of the
 1066 Office of Policy and Management certify to the commission that the
 1067 agency in noncompliance with section 46a-68 requires immediate
 1068 filling of the vacancy because failure to fill the position or position
 1069 classification will cause an emergency situation to exist, jeopardizing
 1070 the public welfare. A separate certificate of exemption shall be
 1071 required for each vacancy in a position or position classification with
 1072 respect to which the Commissioner of Administrative Services and the
 1073 Secretary of the Office of Policy and Management certify that an
 1074 emergency situation exists.

1075 Sec. 18. Subsection (a) of section 46a-70 of the general statutes is
 1076 repealed and the following is substituted in lieu thereof (*Effective*
 1077 *October 1, 2009*):

1078 (a) State officials and supervisory personnel shall recruit, appoint,
 1079 assign, train, evaluate and promote state personnel on the basis of
 1080 merit and qualifications, without regard for race, color, religious creed,
 1081 [sex, marital status, age, national origin, ancestry, mental retardation,
 1082 mental disability, learning disability or physical disability, including
 1083 but not limited to, blindness] age, sex, sexual orientation, marital
 1084 status, national origin, ancestry, present or past history of mental
 1085 disability, mental retardation, learning disability or physical disability,
 1086 unless it is shown by such state officials or supervisory personnel that
 1087 such disability prevents performance of the work involved.

1088 Sec. 19. Section 46a-70a of the general statutes is repealed and the
1089 following is substituted in lieu thereof (*Effective October 1, 2009*):

1090 (a) The Judicial Branch shall develop and implement an equal
1091 employment opportunities plan pursuant to federal law that commits
1092 the Judicial Branch to a program of equal employment opportunities in
1093 all aspects of personnel and administration. The Chief Court
1094 Administrator shall be responsible for developing, implementing and
1095 filing the plan with the Commission on Human Rights and
1096 Opportunities.

1097 (b) The Judicial Branch shall comply with the provisions of
1098 subsection (b) of section 46a-68, section 46a-68g, subsections (a), (b)
1099 and (c) of section 46a-70, as amended by this act, subsections (a), (b)
1100 and (d) of section 46a-71, as amended by this act, and subsections (a)
1101 and (c) of section 46a-77, as amended by this act. [subsections (a), (b)
1102 and (c) of section 46a-81h and section 46a-81i.]

1103 (c) The Criminal Justice Commission shall comply with the
1104 provisions of subsections (a) and (b) of section 46a-68, sections 46a-68g,
1105 46a-70, as amended by this act, and 46a-71, as amended by this act, and
1106 subsections (a) and (c) of section 46a-77, as amended by this act. [and
1107 sections 46a-81h and 46a-81i.]

1108 Sec. 20. Subsection (a) of section 46a-71 of the general statutes is
1109 repealed and the following is substituted in lieu thereof (*Effective*
1110 *October 1, 2009*):

1111 (a) All services of every state agency shall be performed without
1112 discrimination based upon race, color, religious creed, [sex, marital
1113 status, age, national origin, ancestry, mental retardation, mental
1114 disability, learning disability or physical disability, including, but not
1115 limited to, blindness] age, sex, sexual orientation, marital status,
1116 national origin, ancestry, present or past history of mental disability,
1117 mental retardation, learning disability or physical disability.

1118 Sec. 21. Subsection (b) of section 46a-72 of the general statutes is
1119 repealed and the following is substituted in lieu thereof (*Effective*
1120 *October 1, 2009*):

1121 (b) Any job request indicating an intention to exclude any person
1122 because of race, color, religious creed, [sex, marital status, age, national
1123 origin, ancestry, mental retardation, mental disability, learning
1124 disability or physical disability, including, but not limited to,
1125 blindness] age, sex, sexual orientation, marital status, national origin,
1126 ancestry, present or past history of mental disability, mental
1127 retardation, learning disability or physical disability shall be rejected,
1128 unless it is shown by such public or private [employers] employer that
1129 [such] the disability prevents performance of the work involved.

1130 Sec. 22. Subsection (a) of section 46a-73 of the general statutes is
1131 repealed and the following is substituted in lieu thereof (*Effective*
1132 *October 1, 2009*):

1133 (a) No state department, board or agency may grant, deny or revoke
1134 the license or charter of any person [on the grounds] because of race,
1135 color, religious creed, [sex, marital status, age, national origin,
1136 ancestry, mental retardation, mental disability, learning disability or
1137 physical disability, including, but not limited to, blindness] age, sex,
1138 sexual orientation, marital status, national origin, ancestry, present or
1139 past history of mental disability, mental retardation, learning disability
1140 or physical disability, unless it is shown by such state department,
1141 board or agency that [such] the disability prevents performance of the
1142 work involved.

1143 Sec. 23. Subsection (a) of section 46a-75 of the general statutes is
1144 repealed and the following is substituted in lieu thereof (*Effective*
1145 *October 1, 2009*):

1146 (a) All educational, counseling [,] and vocational guidance
1147 programs and all apprenticeship and on-the-job training programs of
1148 state agencies [,] or in which state agencies participate, shall be open to

1149 all qualified persons, without regard to race, color, religious creed,
1150 [sex, marital status, age, national origin, ancestry, mental retardation,
1151 mental disability, learning disability or physical disability, including,
1152 but not limited to, blindness] age, sex, sexual orientation, marital
1153 status, national origin, ancestry, present or past history of mental
1154 disability, mental retardation, learning disability or physical disability.

1155 Sec. 24. Subsection (a) of section 46a-76 of the general statutes is
1156 repealed and the following is substituted in lieu thereof (*Effective*
1157 *October 1, 2009*):

1158 (a) Race, color, religious creed, [sex, marital status, age, national
1159 origin, ancestry, mental retardation, mental disability, learning
1160 disability or physical disability, including, but not limited to,
1161 blindness] age, sex, sexual orientation, marital status, national origin,
1162 ancestry, present or past history of mental disability, mental
1163 retardation, learning disability or physical disability shall not be
1164 considered as limiting factors in state-administered programs
1165 involving the distribution of funds to qualify applicants for benefits
1166 authorized by law.

1167 Sec. 25. Subsection (c) of section 46a-77 of the general statutes is
1168 repealed and the following is substituted in lieu thereof (*Effective*
1169 *October 1, 2009*):

1170 (c) Each state agency shall comply [in all of its services, programs
1171 and activities with the provisions of] with the Americans with
1172 Disabilities Act (42 USC 12101) to the [same] extent that it provides
1173 rights and protections for persons with physical or mental disabilities
1174 beyond those provided for by the laws of this state.

1175 Sec. 26. Section 46a-81p of the general statutes is repealed and the
1176 following is substituted in lieu thereof (*Effective October 1, 2009*):

1177 The provisions of [sections 4a-60a and 46a-81a to 46a-81o, inclusive,]
1178 section 4a-60, as amended by this act, section 3 of this act and this

1179 chapter with respect to the prohibition of discrimination because of
1180 sexual orientation shall not apply to a religious corporation, entity,
1181 association, educational institution or society with respect to the
1182 employment of individuals to perform work connected with the
1183 carrying on by such corporation, entity, association, educational
1184 institution or society of its activities, or with respect to matters of
1185 discipline, faith, internal organization or ecclesiastical rule, custom or
1186 law which are established by such corporation, entity, association,
1187 educational institution or society.

1188 Sec. 27. Section 46a-81q of the general statutes is repealed and the
1189 following is substituted in lieu thereof (*Effective October 1, 2009*):

1190 The provisions of [sections 4a-60a and 46a-81a to 46a-81o, inclusive,]
1191 section 4a-60, as amended by this act, section 3 of this act and this
1192 chapter with respect to the prohibition of discrimination because of
1193 sexual orientation shall not apply to the conduct and administration of
1194 a ROTC program established and maintained pursuant to 10 USC
1195 Sections 2101 to 2111, inclusive, as amended from time to time, and the
1196 regulations thereunder, at an institution of higher education. For
1197 purposes of this section, "ROTC" means the Reserve Officers' Training
1198 Corps.

1199 Sec. 28. Section 46a-82 of the general statutes is repealed and the
1200 following is substituted in lieu thereof (*Effective October 1, 2009*):

1201 (a) Any person claiming to be aggrieved by [an alleged] a
1202 discriminatory practice [, except for an alleged violation of section 4a-
1203 60g or 46a-68 or the provisions of sections 46a-68c to 46a-68f,
1204 inclusive,] may, by himself or herself or by such person's attorney,
1205 make, sign and file with the commission a complaint in writing under
1206 oath. [, which] The complaint shall state the name and address of the
1207 person alleged to have committed the discriminatory practice, [and
1208 which shall set forth the particulars thereof] the acts alleged to be a
1209 discriminatory practice and [contain] such other information as may be
1210 required by the commission. After the filing of a complaint [pursuant

1211 to this subsection,] the commission shall serve upon the [person
1212 claiming to be aggrieved] complainant a notice that: (1) Acknowledges
1213 receipt of the complaint; and (2) advises of the time frames and choice
1214 of forums available under this chapter and section 3 of this act.

1215 (b) The commission, whenever it has reason to believe that any
1216 person has been engaged or is engaged in a discriminatory practice,
1217 may issue a complaint, except for a violation of subsection (a) of
1218 section 46a-80.

1219 (c) The commission, whenever it has reason to believe that any
1220 contractor or subcontractor is not complying with antidiscrimination
1221 statutes or contract provisions required under section 4a-60, as
1222 amended by this act, [4a-60a or] 4a-60g, as amended by this act, or [the
1223 provisions of] sections 46a-68c to 46a-68f, inclusive, may issue a
1224 complaint.

1225 (d) The commission may issue a complaint if: (1) An affirmative
1226 action plan filed pursuant to section 46a-68 is in violation of any of the
1227 provisions of section 4-61u or 4-61w, sections 46a-54 to 46a-64,
1228 inclusive, as amended by this act, section 46a-64c, as amended by this
1229 act, or sections 46a-70 to 46a-78, inclusive, as amended by this act; or
1230 (2) an agency, department, board or commission fails to submit an
1231 affirmative action plan required under section 46a-68.

1232 (e) Any employer whose employees, or any of them, refuse or
1233 threaten to refuse to comply with [the provisions of] section 46a-60, as
1234 amended by this act, [or 46a-81c] may file with the commission a
1235 written complaint under oath asking for assistance by conciliation or
1236 other remedial action.

1237 (f) Any complaint filed pursuant to this section must be filed within
1238 one hundred and eighty days after the alleged act of discrimination,
1239 except that any complaint by a person claiming to be aggrieved by a
1240 violation of subsection (a) of section 46a-80 must be filed [within] not
1241 later than thirty days [of] after the alleged act of discrimination.

1242 Sec. 29. Section 46a-82e of the general statutes is repealed and the
1243 following is substituted in lieu thereof (*Effective October 1, 2009*):

1244 (a) Notwithstanding the failure of the [Commission on Human
1245 Rights and Opportunities] commission to comply with the time
1246 requirements of sections 46a-83, as amended by this act, and 46a-84, as
1247 amended by this act, [with respect to a complaint before the
1248 commission,] the jurisdiction of the commission over any [such]
1249 complaint shall be [retained] preserved.

1250 (b) The commission shall report annually to the judiciary committee
1251 of the General Assembly and the Governor: (1) The number of cases in
1252 the previous fiscal year that exceeded the time frame, including
1253 authorized extensions, set forth in subsection (d) of section 46a-83, as
1254 amended by this act; (2) the reasons for the failure to comply with the
1255 time frame; (3) the number of actions brought pursuant to subsection
1256 (d) of this section and the results thereof; and (4) the commission's
1257 recommendations for legislative action, if any, necessary for the
1258 commission to meet the statutory time frame.

1259 (c) If a complaint has been pending for more than twenty-one
1260 months from the date of filing and the commission has not issued a
1261 finding of reasonable cause or no reasonable cause, the executive
1262 director shall send a notice by certified mail, return receipt requested,
1263 advising the complainant of [his] the right to request a release of
1264 jurisdiction in accordance with section 46a-101, as amended by this act.
1265 The executive director or [his] the executive director's designee shall
1266 investigate the cause for the delay in issuing a finding. After such
1267 investigation, the executive director may, given the facts and
1268 circumstances of the case, schedule a date [certain] for issuance of a
1269 finding. [of reasonable cause or no reasonable cause.]

1270 (d) (1) If a complaint has been pending for more than two years after
1271 the date of filing pursuant to section 46a-82, as amended by this act,
1272 and if the investigator fails to issue a finding of reasonable cause or no
1273 reasonable cause by the date ordered by the executive director [of the

1274 commission] pursuant to subsection (c) of this section, the complainant
1275 or respondent may petition the superior court for the judicial district of
1276 Hartford for an order requiring the commission to issue a finding [of
1277 reasonable cause or no reasonable cause] by a specified date. [certain.]
1278 The petitioner shall submit the petition on forms prescribed by the
1279 Office of the Chief Court Administrator.

1280 (2) The clerk, upon receipt of the petition and if the clerk finds it to
1281 be in the proper form, shall fix a date for the hearing and sign the
1282 notice of hearing. The hearing date shall be no more than thirty days
1283 after the clerk signs the notice. Service shall be made on the
1284 commission and all persons named in the discriminatory practice
1285 complaint at least twenty days prior to the date of hearing by United
1286 States mail, certified or registered, postage prepaid, return receipt
1287 requested, without the use of a state marshal or other officer. Service
1288 on the commission shall be made on the executive director. [of the
1289 commission or a commission legal counsel. Within five days of] Not
1290 later than five days after service, the petitioner shall file with the court
1291 an affidavit stating the date and manner in which a copy of the petition
1292 was served and attach to the affidavit the return receipts indicating
1293 delivery of the petition. If the return receipts are not available at the
1294 time the petitioner files the affidavit of service, they shall be filed with
1295 the court immediately upon receipt.

1296 (3) [Within] Not later than ten days after receipt of the petition, any
1297 party, including the commission, may file an answer. The commission
1298 and all persons named in the [discriminatory practice complaint]
1299 petition shall have the right to appear and be heard at the hearing.

1300 (4) If the commission and parties agree on a date, [certain,] the court
1301 shall order the commission to issue a finding [by said] of reasonable
1302 cause or no reasonable cause by that date. If the allegations of the
1303 petition are contested, the court shall hold a hearing [on the petition]
1304 and issue an appropriate order. [Hearing of oral argument on the
1305 petition] Hearings under this subdivision shall take precedence over

1306 other matters in the court, as provided in section 46a-96. The court
1307 [shall] may award court costs and attorney's fees to the petitioner,
1308 provided [such party] the petitioner is a "person", as defined in section
1309 4-184a, unless the commission shows good cause for not issuing the
1310 finding of reasonable cause or no reasonable cause [within two years
1311 of the date of filing or] by the date ordered by the executive director
1312 for the investigator to issue such finding. [, whichever is later.] An
1313 award of court costs and attorney's fees shall be subject to the court's
1314 discretion, but shall not exceed a total of five hundred dollars.

1315 (5) This subsection shall not apply to complaints initiated by the
1316 commission or to pattern or practice or systemic cases.

1317 Sec. 30. Section 46a-83 of the general statutes is repealed and the
1318 following is substituted in lieu thereof (*Effective October 1, 2009*):

1319 (a) Within twenty days after the filing of any discriminatory practice
1320 complaint pursuant to subsection (a) or (b) of section 46a-82, as
1321 amended by this act, or an amendment to such complaint adding an
1322 additional respondent, the commission shall [cause the complaint to be
1323 served] serve the complaint upon the respondent together with a
1324 notice (1) identifying the alleged discriminatory practice, and (2)
1325 advising of the procedural rights and obligations of a respondent
1326 under this chapter and section 3 of this act. The respondent shall file a
1327 written answer to the complaint under oath with the commission
1328 within thirty days of receipt, [of the complaint,] provided a respondent
1329 may request, and the commission may grant, for good cause shown,
1330 one extension [of time] of fifteen days within which to file an answer.
1331 [to a complaint.] The answer to any complaint alleging a violation of
1332 section 46a-64c, as amended by this act, [or 46a-81e] shall be filed
1333 [within] not later than ten days [of] after receipt. Unless otherwise
1334 proven by the respondent, a complaint shall be assumed to be received
1335 two business days after the date of mailing. Complaint amendments
1336 shall be treated in the same manner as complaints under this section.

1337 (b) [Within] Not later than ninety days [of] after the filing of the

1338 respondent's answer to the complaint, the executive director or [the
1339 executive director's] designee shall conduct a merit assessment review.
1340 [the file.] The review shall include the complaint, the respondent's
1341 answer and the responses to the commission's requests for
1342 information, if any, and the complainant's comments, if any, to the
1343 respondent's answer and information responses. If the executive
1344 director or [the executive director's] designee determines that the
1345 complaint fails to state a claim for relief or is frivolous on its face, that
1346 the respondent is exempt from the provisions of this chapter or section
1347 3 of this act or that there is no reasonable possibility that investigating
1348 the complaint will result in a finding of reasonable cause, the
1349 complaint shall be dismissed. This subsection shall not apply to any
1350 complaint alleging a violation of section 46a-64c, as amended by this
1351 act. [or 46a-81e.] The executive director shall report the results of the
1352 merit assessment [executive director's] determinations made pursuant
1353 to this subsection to the commission quarterly during each year.

1354 (c) The executive director [of the commission or his] or designee
1355 shall determine the most appropriate method for processing any
1356 complaint pending after review in accordance with subsection (b) of
1357 this section. The commission may conduct mandatory mediation
1358 sessions [, expedited or extended fact-finding conferences] or complete
1359 investigations, including, but not limited to, expedited or extended
1360 fact-finding conferences, individual witness interviews or site visits, or
1361 any combination thereof [during the investigatory process] for the
1362 purpose of finding facts, promoting the voluntary resolution of
1363 complaints or determining if there is reasonable cause for believing
1364 that a discriminatory practice has been or is being committed as
1365 alleged in the complaint. As used in this section and section 46a-84, as
1366 amended by this act, reasonable cause means a bona fide belief that the
1367 material issues of fact are such that a person of ordinary caution,
1368 prudence and judgment could believe the facts alleged in the
1369 complaint. A complaint may be dismissed if a complainant, after notice
1370 and without good cause, fails to attend a mandatory mediation
1371 session. A mediator may recommend, but not order, a resolution of the

1372 complaint. A complaint may be dismissed if the respondent has
 1373 eliminated the discriminatory practice complained of, taken steps to
 1374 prevent a like occurrence in the future and offered full relief to the
 1375 complainant, even though the complainant has refused such relief.

1376 (d) (1) Before issuing a finding of reasonable cause or no reasonable
 1377 cause, the investigator shall afford each party and [his] the party's
 1378 representative an opportunity to provide written or oral comments on
 1379 all evidence in the commission's file, except as otherwise provided by
 1380 federal law or [any other provision of] the general statutes. The
 1381 investigator shall consider such comments [in] before making [his
 1382 determination] a finding. The [investigator shall make a finding of
 1383 reasonable cause or no reasonable cause] finding shall be in writing
 1384 and shall list the factual findings on which it is based not later than one
 1385 hundred ninety days from the date of the [determination based on the]
 1386 merit assessment review [of the complaint,] conducted pursuant to
 1387 subsection (b) of this section, except that, for good cause shown, the
 1388 executive director or [his] designee may grant no more than two
 1389 extensions of the investigation of three months each.

1390 (2) If the investigator makes a [determination] finding that there is
 1391 reasonable cause to believe that a violation of section 46a-64c, as
 1392 amended by this act, has occurred, the complainant and the
 1393 respondent shall have twenty days from [receipt of notice of] mailing
 1394 of the reasonable cause finding to elect a civil action in lieu of an
 1395 administrative hearing pursuant to section 46a-84, as amended by this
 1396 act. If either the complainant or the respondent requests a civil action,
 1397 the commission, through the Attorney General or a commission legal
 1398 counsel, shall commence an action pursuant to subsection (b) of section
 1399 46a-89, as amended by this act, within ninety days of receipt of the
 1400 [complainant's or the respondent's] notice of election. [of a civil action.]
 1401 If the Attorney General or a commission legal counsel [, and a
 1402 commissioner, believe] believes that injunctive relief, punitive
 1403 damages or a civil penalty would be appropriate, such relief, damages
 1404 or penalty may also be sought. [pursuant to said subsection. Any civil]

1405 The jurisdiction of the superior court in an action brought under this
 1406 subdivision shall be limited to [such] claims, counterclaims, defenses
 1407 or the like that [would be required for the commission to have
 1408 jurisdiction over the complaint] could be presented at an
 1409 administrative hearing before the commission, had the complaint
 1410 remained with the commission for disposition. If the Attorney General
 1411 or a commission legal counsel determines that a material mistake of
 1412 law or fact has been made in [such] the finding of reasonable cause, the
 1413 Attorney General or a commission legal counsel may decline to bring a
 1414 civil action and [, in such case, shall] instead remand the file to the
 1415 investigator for further action. The investigator shall complete any
 1416 such action not later than ninety days after receipt of such file.

1417 (e) If the investigator issues a finding of no reasonable cause or if the
 1418 complaint is dismissed [(1) for failure to state a claim for relief, (2)
 1419 because it is frivolous on its face, (3) because the respondent is exempt
 1420 from the provisions of this chapter, or (4) because there is no
 1421 reasonable possibility that investigating the complaint will result in a
 1422 finding of reasonable cause or if the complaint is dismissed pursuant
 1423 to subsection (c) of this section] pursuant to subsection (b) or (c) of this
 1424 section, the complainant may file a written request for reconsideration
 1425 [of such finding or dismissal] with the executive director [of the
 1426 commission, or the executive director's designee,] or designee not later
 1427 than fifteen days from the [issuance] mailing of such finding or
 1428 dismissal. A request for reconsideration shall state specifically the
 1429 reasons why reconsideration should be granted. The executive director
 1430 [of the commission, or the executive director's designee,] or designee
 1431 shall [reconsider] grant or reject reconsideration within ninety days of
 1432 the [issuance] mailing of such finding or dismissal. The executive
 1433 director [of the commission, or the executive director's designee,] or
 1434 designee shall conduct such additional proceedings as may be
 1435 necessary to render a decision on the request. [for reconsideration.]

1436 (f) [Upon a determination] After finding that there is reasonable
 1437 cause to believe that a discriminatory practice has been or is being

1438 committed as alleged in the complaint, an investigator shall attempt to
1439 eliminate the practice complained of by conference, conciliation and
1440 persuasion within fifty days of [a finding of reasonable cause] the
1441 finding. The refusal to accept a settlement shall not be grounds for
1442 dismissal of any complaint.

1443 (g) No commissioner or employee of the commission may disclose,
1444 except to the parties or their representatives, what has occurred in the
1445 course of such endeavors, provided the commission may publish the
1446 facts in the case and any complaint which has been dismissed and the
1447 terms of conciliation when a complaint has been adjusted. Each party
1448 and [his] the party's representative shall have the right to inspect and
1449 copy documents, statements of witnesses and other evidence
1450 pertaining to [his] the complaint, except as otherwise provided by
1451 federal law or [any other provision of] the general statutes.

1452 (h) In the investigation of any complaint filed pursuant to this
1453 chapter or section 3 of this act, the commission may issue subpoenas
1454 requiring the production of records and other documents. [relating to
1455 the complaint under investigation.]

1456 (i) The executive director [of the commission or his] or designee
1457 may enter an order of default against a respondent (1) who, after
1458 notice, fails to answer a complaint in accordance with subsection (a) of
1459 this section or within such extension of time as may have been granted;
1460 [or] (2) who fails to answer interrogatories issued pursuant to
1461 subdivision (11) of section 46a-54, as amended by this act, or fails to
1462 respond to a subpoena issued pursuant to subsection (h) of this section
1463 [and] or subdivision (9) of section 46a-54, as amended by this act,
1464 provided the executive director or [his] designee shall consider any
1465 timely filed objection; or (3) who, after notice and without good cause,
1466 fails to attend a mandatory mediation session. Upon entry of an order
1467 of default, the executive director or [his] designee shall refer the matter
1468 to the chief referee who shall appoint a referee to act as a presiding
1469 officer to enter, after notice and hearing, an order eliminating the

1470 discriminatory practice complained of and making the complainant
1471 whole. The commission or the complainant may petition the Superior
1472 Court for enforcement of any order for relief pursuant to section 46a-
1473 95, as amended by this act.

1474 Sec. 31. Section 46a-84 of the general statutes is repealed and the
1475 following is substituted in lieu thereof (*Effective October 1, 2009*):

1476 (a) If the investigator fails to eliminate a discriminatory practice
1477 complained of pursuant to subsection (a) or (b) of section 46a-82, as
1478 amended by this act, [within] not later than fifty days [of] after a
1479 finding of reasonable cause, the investigator shall, within ten days,
1480 certify the complaint and the results of the investigation to the
1481 executive director. [of the commission and to the Attorney General.]
1482 After the investigator has attempted conciliation between the parties,
1483 the investigator's conclusion that conciliation has failed shall be
1484 conclusive of the issue.

1485 (b) Upon certification of a complaint filed pursuant to subsection (a)
1486 or (b) of section 46a-82, as amended by this act, or upon the filing of a
1487 complaint pursuant to subsection (c) of said section, the [Chief Human
1488 Rights Referee shall appoint, for a complaint filed pursuant to said
1489 subsection (a) or (b), a hearing officer, hearing adjudicator or human
1490 rights referee, and for a complaint filed pursuant to said subsection (c),
1491 a hearing officer or human rights referee,] chief human rights referee
1492 shall appoint a human rights referee to act as a presiding officer to hear
1493 the complaint or to conduct settlement negotiations. [and] The chief
1494 human rights referee shall [cause to be issued and served] serve in the
1495 name of the commission a written notice, together with a copy of the
1496 complaint, as [the same may have been] amended, requiring the
1497 respondent to answer the charges of the complaint [at a hearing before
1498 the presiding officer or hearing adjudicator] or to attend settlement
1499 negotiations at a time and place [to be] specified in the notice. The
1500 place of any hearing may be the office of the commission or another
1501 place designated in the notice. A hearing on a complaint filed pursuant

1502 to subsection (a) or (b) of section 46a-82, as amended by this act, shall
 1503 be commenced by convening a hearing conference not later than forty-
 1504 five days after the certification of the complaint. Such hearing shall be
 1505 a de novo hearing on the merits of the complaint and not an appeal of
 1506 the commission's processing of the complaint prior to its certification.
 1507 A hearing on a complaint filed pursuant to subsection (c) of section
 1508 46a-82, as amended by this act, shall be commenced by convening a
 1509 hearing conference not later than twenty days after the date of notice
 1510 of such complaint. Hearings shall proceed with reasonable [dispatch]
 1511 speed and be concluded in accordance with [the provisions of] section
 1512 4-180.

1513 [(c) The place of any hearing may be the office of the commission or
 1514 another place designated by the commission.]

1515 [(d)] (c) The case in support of the complaint shall be presented at
 1516 the hearing by the Attorney General or by a commission legal counsel,
 1517 who shall be counsel for the commission, not the complainant. [or by a
 1518 commission legal counsel as provided in section 46a-55, as the case
 1519 may be. If the Attorney General or the commission legal counsel
 1520 determines that a material mistake of law or fact has been made in the
 1521 finding of reasonable cause on a complaint filed pursuant to subsection
 1522 (a) or (b) of section 46a-82, the Attorney General or the commission
 1523 legal counsel may withdraw the certification of the complaint and
 1524 remand the file to the investigator for further action.] The complainant
 1525 may be represented by an attorney of the complainant's own choice. If
 1526 the Attorney General or the commission legal counsel [, as the case
 1527 may be,] determines that the interests of the state will not be adversely
 1528 affected, the attorney for the complainant shall present all or part of
 1529 the case in support of the complaint. No commissioner may participate
 1530 in the deliberations of the [presiding officer] referee in the case.

1531 [(e)] (d) A [hearing officer, hearing adjudicator, human rights]
 1532 referee or attorney who volunteers service pursuant to subdivision (18)
 1533 of section 46a-54, as amended by this act, may supervise settlement

endeavors. [or, in] In employment discrimination cases only, the complainant and respondent, with the permission of the commission, may engage in alternate dispute resolution endeavors for not more than three months. The cost of such alternate dispute resolution endeavors shall be borne by the complainant or the respondent, or both, and not by the commission. Any endeavors or negotiations for conciliation, settlement or alternate dispute resolution shall not be received in evidence.

[(f)] (e) The respondent may file a written answer to the complaint under oath and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. If the respondent fails to file a written answer prior to the hearing within the time limits established by regulation adopted by the commission in accordance with chapter 54 or fails to appear at the hearing after notice in accordance with section 4-177, the [presiding officer or hearing adjudicator] human rights referee may enter an order of default and order such relief as is necessary to eliminate the discriminatory practice and make the complainant whole. The commission or the complainant may petition the Superior Court for enforcement of any [such] order for relief pursuant to the provisions of section 46a-95, as amended by this act.

[(g)] (f) The [presiding officer or hearing adjudicator] referee conducting any hearing shall permit reasonable amendment to any complaint or answer and the testimony taken at the hearing shall be under oath and be transcribed at the request of any party.

Sec. 32. Section 46a-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) If, upon all the evidence presented at the hearing conducted pursuant to section 46a-84, as amended by this act, the [presiding officer] referee finds that a respondent has engaged in any discriminatory practice, the [presiding officer] referee shall [state the presiding officer's] make written findings of fact and [shall issue and]

1566 file with the commission and [cause to be served] serve on the
1567 respondent an order requiring the respondent to (1) cease and desist
1568 from the discriminatory practice; and [further requiring the
1569 respondent to] (2) take such affirmative action as [in the judgment of
1570 the presiding officer will effectuate] is necessary to achieve the
1571 purpose of this chapter or section 3 of this act and make the
1572 complainant whole.

1573 (b) In addition to any other action taken under this section, upon a
1574 finding of a discriminatory employment practice, the [presiding
1575 officer] referee may order the hiring or reinstatement of [employees]
1576 persons, with or without back pay, or restoration to membership in
1577 any respondent labor organization. [, provided, liability] Liability for
1578 back pay shall not accrue from a date more than two years prior to the
1579 filing or issuance of the complaint. [and, provided further, interim]
1580 Interim earnings, including unemployment compensation and welfare
1581 assistance or amounts which could have been earned with reasonable
1582 diligence on the part of the person to whom back pay is awarded, shall
1583 be deducted from the amount of back pay to which such person is
1584 otherwise entitled. The amount of any [such] deduction for interim
1585 unemployment compensation or welfare assistance shall be paid by
1586 the respondent to the commission, which shall transfer such amount to
1587 the appropriate state or local agency.

1588 (c) In addition to any other action taken under this section, upon a
1589 finding of a discriminatory practice prohibited by section 46a-58, as
1590 amended by this act, 46a-59, as amended by this act, 46a-64, as
1591 amended by this act, or 46a-64c, as amended by this act, [46a-81b, 46a-
1592 81d or 46a-81e, the presiding officer] the referee shall determine the
1593 damage suffered by the complainant, which damage shall include, but
1594 not be limited to, the expense incurred by the complainant for
1595 obtaining alternate housing or space, storage of goods and effects,
1596 moving costs and other costs actually incurred by the complainant as a
1597 result of such discriminatory practice and shall allow reasonable
1598 attorney's fees and costs.

1599 (d) In addition to any other action taken under this section, upon a
1600 finding of a discriminatory practice prohibited by section 46a-66, as
1601 amended by this act, [or 46a-81f, the presiding officer shall issue and]
1602 the referee shall file with the commission and [cause to be served]
1603 serve on the respondent an order requiring the respondent to pay the
1604 complainant the damages resulting from the discriminatory practice.

1605 (e) In addition to any other action taken under this section, upon a
1606 finding of noncompliance with antidiscrimination statutes or contract
1607 provisions required under section 4a-60, as amended by this act, 4a-
1608 60g, as amended by this act, [or 4a-60a] or the provisions of sections
1609 46a-68c to 46a-68f, inclusive, the [presiding officer shall issue and]
1610 referee shall file with the commission and [cause to be served] serve on
1611 the respondent an order with respect to any remedial action imposed
1612 [by the presiding officer] pursuant to subsection (c) or (d) of section
1613 46a-56, as amended by this act.

1614 (f) If, upon all the evidence and after a complete hearing, the
1615 [presiding officer] referee finds that the respondent has not engaged in
1616 any alleged discriminatory practice, the [presiding officer shall state
1617 the presiding officer's] referee shall make written findings of fact and
1618 shall [issue and] file with the commission and [cause to be served]
1619 serve on the respondent an order dismissing the complaint.

1620 (g) Any payment received by a complainant under this chapter or
1621 section 3 of this act or under any equivalent federal antidiscrimination
1622 law, either as a settlement of a claim or as an award made in a judicial
1623 or administrative proceeding, shall not be considered as income,
1624 resources or assets for the purpose of determining the eligibility of or
1625 amount of assistance to be received by such person in the month of
1626 receipt or the three months following receipt under the state
1627 supplement program, Medicaid or any other medical assistance
1628 program, temporary family assistance program, state-administered
1629 general assistance program, or the temporary assistance for needy
1630 families program. After such time period, any remaining funds shall

1631 be subject to state and federal laws governing such programs,
1632 including, but not limited to, provisions concerning [individual
1633 development accounts] an "individual development account", as
1634 defined in section 31-51ww.

1635 Sec. 33. Section 46a-87 of the general statutes is repealed and the
1636 following is substituted in lieu thereof (*Effective October 1, 2009*):

1637 (a) Contumacy or refusal to obey a subpoena issued pursuant to this
1638 chapter or section 3 of this act shall constitute contempt punishable,
1639 upon the application of the authority issuing such subpoena, by the
1640 Superior Court for the judicial district of Hartford, the judicial district
1641 in which the hearing or investigation is held or the judicial district in
1642 which the witness resides or transacts business. No objection that has
1643 not been raised before the commission to defeat or excuse compliance
1644 with the subpoena may be presented to or relied on by the court.

1645 (b) No person may be excused from [attending and] testifying or
1646 from producing records [, correspondence, documents] or other
1647 evidence in obedience to a subpoena [,] on the ground that the
1648 testimony or evidence required [of him] may tend to [incriminate him
1649 or subject him] self-incriminate or subject such person to a penalty or
1650 forfeiture. [, but no] No person, after having claimed the privilege
1651 against self-incrimination, may be prosecuted or subjected to any
1652 penalty [or forfeiture for or on account of any transaction, matter or
1653 thing concerning which he is compelled, after having claimed his
1654 privilege against self-incrimination, to testify or produce evidence] for
1655 any matter revealed, if the testimony or production of evidence is
1656 compelled by this section, except that [such person so testifying shall
1657 not] no person shall be exempt from prosecution and punishment for
1658 perjury committed in so testifying. The immunity [herein] provided in
1659 this section shall extend only to natural persons [so] compelled to
1660 testify or produce records.

1661 Sec. 34. Section 46a-88 of the general statutes is repealed and the
1662 following is substituted in lieu thereof (*Effective October 1, 2009*):

1663 (a) Upon the failure of any person to answer interrogatories issued
1664 pursuant to subsection (11) of section 46a-54, as amended by this act,
1665 the commission may file a petition with the interrogatories attached
1666 with the Superior Court [of] for the judicial district of Hartford, the
1667 judicial district in which the violation is alleged to have occurred or the
1668 judicial district where such person resides or transacts business,
1669 requesting the court to order that an answer be filed.

1670 (b) The commission shall [cause] serve a copy of the petition
1671 provided for in subsection (a) of this section [to be sent] by registered
1672 or certified mail to the person from whom such answers are sought or
1673 [his] upon such person's legal representative.

1674 (c) The court shall assume jurisdiction over the proceedings
1675 provided for in this section and [may] shall, after hearing, or in the
1676 absence of objection, enter an order which it deems appropriate. No
1677 objection that has not been raised before the commission to defeat or
1678 excuse compliance with the interrogatories may be presented to or
1679 relied on by the court.

1680 [(d) The proceedings provided for in this section shall conform to
1681 the rules of practice of the Superior Court.]

1682 Sec. 35. Section 46a-89 of the general statutes is repealed and the
1683 following is substituted in lieu thereof (*Effective October 1, 2009*):

1684 (a) (1) Whenever a complaint [is filed with or by the commission]
1685 filed pursuant to section 46a-82, as amended by this act, [alleging]
1686 alleges a violation of section 46a-60, as amended by this act, [or 46a-
1687 81c.] and [a commissioner believes, upon review and the
1688 recommendation of the investigator assigned,] the executive director
1689 or designee believes that equitable relief is required to prevent
1690 irreparable harm to the complainant, the [commissioner] commission
1691 may bring a petition [in equity in the superior court] in the Superior
1692 Court for the judicial district of Hartford, the judicial district in which
1693 the discriminatory practice which is the subject of the complaint

1694 occurred or the judicial district in which the respondent resides,
1695 provided this subdivision shall not apply to complaints against
1696 employers with less than fifty employees.

1697 (2) The petition shall seek appropriate temporary injunctive relief
1698 against the respondent pending final disposition of the complaint
1699 pursuant to the procedures set forth in this chapter. The injunctive
1700 relief may include an order temporarily restraining the respondent
1701 from doing any act that would render ineffectual any order a
1702 [presiding officer] referee may render with respect to the complaint.

1703 (3) Upon service on the respondent of notice pursuant to section
1704 46a-89a, as amended by this act, the respondent shall be temporarily
1705 restrained from taking any action that would render ineffectual the
1706 temporary injunctive relief [prayed for] requested in the petition,
1707 provided nothing in this section shall be construed to prevent the
1708 respondent from having any employment duties [,] enjoined under
1709 this section and section 46a-89a, as amended by this act, from being
1710 carried out by another employee and the notice shall so provide.

1711 (b) (1) Whenever a complaint filed pursuant to section 46a-82, as
1712 amended by this act, alleges a violation of section 46a-64, as amended
1713 by this act, or 46a-64c, as amended by this act, [46a-81d or 46a-81e, and
1714 a commissioner] and the executive director or designee believes that
1715 injunctive relief is required or that the imposition of punitive damages
1716 or a civil penalty would be appropriate, the commission may bring a
1717 petition in the [superior court] Superior Court for the judicial district of
1718 Hartford, the judicial district in which the discriminatory practice
1719 which is the subject of the complaint occurred or the judicial district in
1720 which the respondent resides.

1721 (2) The petition shall seek: (A) Appropriate injunctive relief,
1722 including temporary or permanent orders or decrees restraining and
1723 enjoining the respondent from selling or renting to anyone other than
1724 the complainant or otherwise making unavailable to the complainant
1725 any dwelling or commercial property with respect to which the

1726 complaint is made, pending the final determination of such complaint
 1727 by the commission or such petition by the court; (B) an award of
 1728 damages based on the remedies available under subsection (c) of
 1729 section 46a-86, as amended by this act; (C) an award of punitive
 1730 damages payable to the complainant, not to exceed fifty thousand
 1731 dollars; (D) a civil penalty payable to the state against the respondent
 1732 to vindicate the public interest: (i) In an amount not exceeding ten
 1733 thousand dollars, if the respondent has not been adjudged to have
 1734 committed any prior discriminatory housing practice; (ii) in an amount
 1735 not exceeding twenty-five thousand dollars, if the respondent has been
 1736 adjudged to have committed one other discriminatory housing
 1737 practice during the five-year period prior to the date of the filing of
 1738 this complaint; and (iii) in an amount not exceeding fifty thousand
 1739 dollars, if the respondent has been adjudged to have committed two or
 1740 more discriminatory housing practices during the seven-year period
 1741 prior to the date of the filing of the complaint, [;] except that if the acts
 1742 constituting the discriminatory housing practice that is the object of the
 1743 complaint are committed by the same natural person who has been
 1744 previously adjudged to have committed acts constituting a
 1745 discriminatory housing practice, then the civil penalties set forth in
 1746 clauses (ii) and (iii) of this subparagraph may be imposed without
 1747 regard to the period of time within which any subsequent
 1748 discriminatory housing practice occurred; or (E) two or more of such
 1749 remedies.

1750 (3) Upon service on the respondent of notice pursuant to section
 1751 46a-89a, as amended by this act, the respondent shall be temporarily
 1752 restrained from selling or renting the dwelling or commercial property
 1753 which is the subject of the complaint to anyone other than the
 1754 complainant, or from otherwise making such dwelling or commercial
 1755 property unavailable to the complainant, until the court or judge has
 1756 decided the petition for temporary injunctive relief and the notice shall
 1757 so provide.

1758 Sec. 36. Section 46a-89a of the general statutes is repealed and the

1759 following is substituted in lieu thereof (*Effective October 1, 2009*):

1760 (a) The [court, or any judge of the court when such court is not
1761 actually in session,] superior court may grant an injunction [forthwith]
1762 immediately, if the circumstances of the case demand it, or the court
1763 [or judge] may cause immediate notice of the petition to be given to the
1764 adverse party [, that he may] to show cause why such injunction
1765 should not be granted. [; but no] No temporary injunction may be
1766 granted without notice to the adverse party, unless it clearly appears
1767 from the specific facts shown by affidavit or by verified complaint that
1768 irreparable loss or damage will result to the complainant before the
1769 matter can be heard.

1770 (b) The court, [or any judge thereof,] after hearing, shall issue a
1771 temporary injunction upon a finding that irreparable loss or damage
1772 will result to the complainant in that (1) there is a substantial
1773 probability of loss of meaningful relief including, but not limited to,
1774 the availability of an employment opportunity or the rental or sale of a
1775 dwelling or commercial property, or (2) there is a substantial
1776 probability of interference with the ability of the commission to
1777 provide meaningful relief as authorized by this chapter and section 3
1778 of this act.

1779 (c) Upon rendering a decision in favor of the commission on the
1780 petition for temporary injunctive relief, the court [or judge] shall
1781 simultaneously enter an order granting temporary injunctive relief and
1782 such other relief as deemed necessary and remand the complaint to the
1783 commission for further proceedings pursuant to this chapter and
1784 section 3 of this act.

1785 (d) Upon rendering a decision in favor of the respondent on the
1786 petition for temporary injunctive relief, the court [or judge] shall
1787 simultaneously enter an order dissolving any injunctive relief, order,
1788 decree, temporary relief or restraining order [theretofore issued
1789 against the respondent in the matter] previously issued and remand
1790 the matter to the commission.

1791 (e) Commencement of proceedings pursuant to section 46a-89, as
 1792 amended by this act, this section or section 46a-90a, as amended by
 1793 this act, shall not bar the commission from processing the complaint
 1794 pursuant to the procedures set forth in this chapter.

1795 Sec. 37. Section 46a-90a of the general statutes is repealed and the
 1796 following is substituted in lieu thereof (*Effective October 1, 2009*):

1797 (a) The [chairperson of the commission] chief referee shall schedule
 1798 a date for a hearing pursuant to section 46a-84, as amended by this act,
 1799 to be held [within] not later than forty-five days [of] after any
 1800 temporary injunctive relief or restraining order issued pursuant to
 1801 section 46a-89a, as amended by this act. Such temporary injunctive
 1802 relief or restraining order shall remain in effect until the [presiding
 1803 officer] referee renders [his] a decision on the complaint. If the
 1804 commission does not conduct its hearing procedure with reasonable
 1805 [dispatch] speed, the court, on the motion of the respondent and for
 1806 good cause shown, shall remove such temporary injunction and
 1807 assume jurisdiction of all civil proceedings arising out of the complaint
 1808 and shall set the matter for hearing on the merits. The [presiding
 1809 officer] referee shall render [his] a decision within twenty days after
 1810 the close of evidence and the filing of briefs.

1811 (b) When the [presiding officer] referee finds that the respondent
 1812 has engaged in any discriminatory practice prohibited by section 46a-
 1813 60, as amended by this act, 46a-64, as amended by this act, or 46a-64c,
 1814 as amended by this act, [46a-81c, 46a-81d or 46a-81e] and grants relief
 1815 on the complaint [, which relief requires that such] requiring that a
 1816 temporary injunction remain in effect, the commission [chairperson]
 1817 may, through the procedure outlined in subsection (a) of section 46a-
 1818 95, as amended by this act, petition the court which granted the
 1819 original temporary injunction to make the injunction permanent.

1820 (c) Upon issuance of a permanent injunction, the case shall be
 1821 returned to the commission for such further action as is authorized by
 1822 this chapter and section 3 of this act.

1823 (d) Any temporary injunction issued under [the provisions of]
1824 section 46a-89a, as amended by this act, shall remain in effect during
1825 any appeal under section 46a-94a, as amended by this act, or any
1826 enforcement procedure under section 46a-95, as amended by this act,
1827 unless removed by the court, [or a judge thereof.]

1828 Sec. 38. Section 46a-94 of the general statutes is repealed and the
1829 following is substituted in lieu thereof (*Effective October 1, 2009*):

1830 (a) An appeal to the Appellate Court shall lie from any judgment,
1831 injunctive relief, order or decree entered pursuant to section 46a-89, as
1832 amended by this act, 46a-89a, as amended by this act, or 46a-90a, as
1833 amended by this act.

1834 (b) In any appeal to the Appellate Court under [the provisions of]
1835 this section, any judge of the Appellate Court, on written application,
1836 after oral hearing: (1) May order a party who has filed a notice of intent
1837 to appeal either to appeal or withdraw such notice of appeal; [,] and (2)
1838 may make such orders as will expedite the appeal.

1839 Sec. 39. Section 46a-94a of the general statutes is repealed and the
1840 following is substituted in lieu thereof (*Effective October 1, 2009*):

1841 (a) The [Commission on Human Rights and Opportunities]
1842 commission, any respondent or any complainant aggrieved by a final
1843 order of a [presiding officer or any complainant] human rights referee
1844 may appeal to the Superior Court in accordance with section 4-183.
1845 Any complainant may appeal to the Superior Court in accordance with
1846 section 4-183, if the complainant is aggrieved by: [the] (1) The
1847 dismissal of [his] a complaint [by the commission] for failure to attend
1848 a mandatory mediation session, as provided in subsection (c) of section
1849 46a-83, as amended by this act; (2) a finding of no reasonable cause, as
1850 provided in subsection (d) of [said] section 46a-83, as amended by this
1851 act; or (3) a rejection of reconsideration, [of any dismissal] as provided
1852 in subsection (e) of [said] section 46a-83, as amended by this act. [may
1853 appeal therefrom in accordance with section 4-183.] The court on

1854 appeal shall [also] have jurisdiction to grant to the commission,
 1855 respondent or complainant such temporary relief or restraining order
 1856 as it deems just and suitable, [and in like manner to make and enter a
 1857 decree enforcing or modifying and enforcing as so modified or setting
 1858 aside, in whole or in part, the order sought to be reviewed.] The court
 1859 shall conduct the appeal in accordance with section 4-183.

1860 (b) Notwithstanding the provisions of subsection (a) of this section,
 1861 a complainant may not appeal the dismissal of [his] a complaint if [he]
 1862 the executive director has [been] granted a release pursuant to section
 1863 46a-101, as amended by this act.

1864 (c) The commission on its own motion may, whenever justice so
 1865 requires, reopen any matter previously closed [by the commission] in
 1866 accordance with [the provisions of] this subsection, provided such
 1867 matter has not been appealed to the Superior Court pursuant to this
 1868 section. [4-183.] Notice of such reopening shall be given to all parties.
 1869 A complainant or respondent may, for good cause shown, in the
 1870 interest of justice, apply in writing for the reopening of a previously
 1871 closed [proceeding] matter, provided such application is filed with the
 1872 commission within two years of the commission's final decision and
 1873 the complainant has not been given a release of jurisdiction by
 1874 operation of law and has acted on such release. A complainant who
 1875 has requested and been granted a release of jurisdiction shall not be
 1876 granted a reopening of the matter.

1877 (d) The standards for reopening a matter may include, but are not
 1878 limited to: (1) A material mistake of fact or law has occurred; (2) the
 1879 finding is arbitrary or capricious; (3) the finding is clearly erroneous in
 1880 view of the reliable, probative and substantial evidence on the whole
 1881 record; and (4) new evidence has been discovered which materially
 1882 affects the merits of the case and which, for good reasons, was not
 1883 presented during the investigation.

1884 Sec. 40. Section 46a-95 of the general statutes is repealed and the
 1885 following is substituted in lieu thereof (*Effective October 1, 2009*):

1886 (a) The commission [through the Attorney General, a commission
1887 legal counsel,] or the complainant may petition the [court within]
1888 Superior Court for the judicial district [wherein] of Hartford, the
1889 judicial district in which any discriminatory practice occurred or the
1890 judicial district in which any person charged with a discriminatory
1891 practice resides or transacts business [,] for the enforcement of any
1892 order issued by a [presiding officer] referee under the provisions of
1893 this chapter and section 3 of this act and for appropriate temporary
1894 relief or a restraining order.

1895 (b) The commission shall certify and file in the court a transcript of
1896 the entire record of the proceedings sought to be enforced including
1897 the pleadings and testimony upon which the order was made and the
1898 finding and orders of the [presiding officer] referee.

1899 (c) [Within] Not later than five days after filing such petition in
1900 court, the commission shall cause a notice of the petition to be sent by
1901 registered or certified mail to all parties or their representatives.

1902 (d) The court shall: (1) Have jurisdiction of the proceedings and of
1903 the questions determined thereon; [,] (2) have the power to grant such
1904 relief by injunction or otherwise, including temporary relief, as it
1905 deems just and suitable; [,] and (3) enter, based on the pleadings,
1906 testimony and proceedings set forth in the transcript, a decree
1907 enforcing, modifying and enforcing as so modified, or remanding to
1908 the commission or [presiding officer] referee, in whole or in part, any
1909 order of the commission or [presiding officer] referee.

1910 (e) No objection or defense that has not been urged before the
1911 [presiding officer] referee or that was raised or could have been raised
1912 on appeal under section 46a-94a, as amended by this act, may be
1913 considered by the court, unless the failure to urge such objection is
1914 excused because of extraordinary circumstances.

1915 (f) If either party applies to the court for [leave] permission to
1916 adduce additional evidence and shows to the satisfaction of the court

1917 that the additional evidence is material and that there were reasonable
1918 grounds for the failure to adduce such evidence in the hearing, the
1919 court may order the additional evidence to be taken before the
1920 [presiding officer] referee and to be made part of the transcript.

1921 (g) The [presiding officer] referee may modify [his] the findings as
1922 to the facts [,] or make new findings [, by reason of] based on the
1923 additional evidence [so] taken, and shall file [such] the modified or
1924 new findings [and his] together with recommendations, if any, for the
1925 modification or setting aside of the original order.

1926 (h) The findings of the [presiding officer] referee as to the facts, if
1927 supported by substantial [and competent] evidence, shall be
1928 conclusive.

1929 (i) The jurisdiction of the court shall be exclusive and its judgment
1930 and decree shall be final, except that the same shall be subject to
1931 review by the Appellate Court, on appeal by either party, irrespective
1932 of the nature of the decree or judgment. Such appeal shall be taken and
1933 prosecuted in the same manner and form and with the same effect as is
1934 provided in other cases of appeal to the Appellate Court, and the
1935 record so certified shall contain all that was before the lower court in
1936 accordance with section 51-197b.

1937 (j) Petitions filed under this section shall be heard expeditiously and
1938 determined upon the transcript filed, without requirement of printing.

1939 Sec. 41. Section 46a-97 of the general statutes is repealed and the
1940 following is substituted in lieu thereof (*Effective October 1, 2009*):

1941 (a) Any employer, employment agency or labor organization
1942 [which] that fails to post such notices of statutory provisions as the
1943 commission may require pursuant to subsection (13) of section 46a-54,
1944 as amended by this act, shall be [subject to a fine of] fined not more
1945 than two hundred fifty dollars.

1946 (b) Any person who fails to post such notices of statutory provisions

1947 as the commission may require pursuant to subsection (14) of section
1948 46a-54, as amended by this act, shall be fined not more than two
1949 hundred fifty dollars.

1950 (c) Any person who fails to post such notices of statutory provisions
1951 as the commission may require pursuant to subdivision (15) of section
1952 46a-54, as amended by this act, shall be fined not more than two
1953 hundred fifty dollars.

1954 Sec. 42. Section 46a-98 of the general statutes is repealed and the
1955 following is substituted in lieu thereof (*Effective October 1, 2009*):

1956 (a) In lieu of, but not in addition to, filing a complaint [with the
1957 Commission on Human Rights and Opportunities] pursuant to section
1958 46a-82, as amended by this act, any person claiming to be aggrieved by
1959 a violation of section 46a-66, as amended by this act, [or 46a-81f] may
1960 bring an action under this section against a creditor, as defined in
1961 section [46a-65] 2 of this act, in the [superior court] Superior Court for
1962 the judicial district in which such aggrieved person resides or in which
1963 the alleged violation took place.

1964 (b) Any [such] creditor who fails to comply with any requirement of
1965 section 46a-66, as amended by this act, [or 46a-81f] or the regulations
1966 adopted pursuant to section 46a-67, as amended by this act, shall be
1967 liable to an aggrieved person in an amount equal to the sum of any
1968 actual damages sustained by such person.

1969 (c) Any [such] creditor who fails to comply with any requirement of
1970 section 46a-66, as amended by this act, [or 46a-81f] or the regulations
1971 adopted pursuant to section 46a-67, as amended by this act, shall be
1972 liable to an aggrieved person for punitive damages in an amount not
1973 greater than one thousand dollars, as determined by the court, in
1974 addition to any actual damages provided in subsection (b) of this
1975 section.

1976 (d) Any [such] creditor who fails to comply with any requirement of

1977 section 46a-66, as amended by this act, [or 46a-81f] or the regulations
 1978 adopted pursuant to section 46a-67, as amended by this act, may be
 1979 liable for punitive damages in the case of a class action in such amount
 1980 as the court may allow, provided the total recovery of punitive
 1981 damages shall not exceed the lesser of five thousand dollars or one per
 1982 cent of the net worth of the creditor. In determining the amount of
 1983 award in any class action, the court shall consider, among other
 1984 relevant factors, the amount of any actual damages awarded, the
 1985 frequency and persistence of failures of compliance by the creditor, the
 1986 resources of the creditor, the number of persons adversely affected [,]
 1987 and the extent to which the creditor's failure of compliance was
 1988 intentional.

1989 (e) No action may be brought under this section except within one
 1990 year from the date of the occurrence of the violation.

1991 Sec. 43. Section 46a-98a of the general statutes is repealed and the
 1992 following is substituted in lieu thereof (*Effective October 1, 2009*):

1993 Any person claiming to be aggrieved by a violation of section 46a-
 1994 64c, as amended by this act, [or 46a-81e] or by a breach of a conciliation
 1995 agreement entered into pursuant to this chapter [,] or section 3 of this
 1996 act may bring an action in the Superior Court, or the housing session of
 1997 said court, if appropriate, within one year of the date of the alleged
 1998 discriminatory practice or of a breach of a conciliation agreement,
 1999 [entered into pursuant to this chapter. No action pursuant to this
 2000 section] No action may be brought [in the Superior Court] regarding
 2001 the alleged discriminatory practice after the commission has obtained a
 2002 conciliation agreement pursuant to section 46a-83, as amended by this
 2003 act, or commenced a hearing pursuant to section 46a-84, as amended
 2004 by this act, except for an action to enforce the [conciliation] agreement.
 2005 The court shall have the power to grant relief [,] by injunction or
 2006 otherwise [,] as it deems just and suitable. [In addition to the penalties
 2007 provided for under subsection (g) of section 46a-64c or subsection (f) of
 2008 section 46a-81e, the] The court may grant any relief which a presiding

2009 officer may grant [in a proceeding] under section 46a-86 or which the
2010 court may grant in a proceeding under section 46a-89, as amended by
2011 this act. The commission [, through its counsel or the Attorney
2012 General,] may intervene as a matter of right in any action brought
2013 pursuant to this section without permission of the court or the parties.

2014 Sec. 44. Section 46a-99 of the general statutes is repealed and the
2015 following is substituted in lieu thereof (*Effective October 1, 2009*):

2016 Any person claiming to be aggrieved by a violation of any provision
2017 of sections 46a-70 to 46a-78, inclusive, as amended by this act, [or
2018 sections 46a-81h to 46a-81o, inclusive,] may petition the Superior Court
2019 for appropriate relief and [said] the court shall have the power to grant
2020 such relief [,] by injunction or otherwise, as it deems just and suitable.

2021 Sec. 45. Section 46a-100 of the general statutes is repealed and the
2022 following is substituted in lieu thereof (*Effective October 1, 2009*):

2023 Any person who has [timely] filed a complaint with the
2024 [Commission on Human Rights and Opportunities] commission in
2025 accordance with section 46a-82, as amended by this act, and who has
2026 obtained a release [from the commission] of jurisdiction in accordance
2027 with section 46a-83a or 46a-101, as amended by this act, may [also]
2028 bring an action in the [superior court] Superior Court for the judicial
2029 district in which the discriminatory practice is alleged to have
2030 occurred, [or] the judicial district in which the respondent transacts
2031 business or the judicial district in which the complainant resides,
2032 except any action involving a state agency or official may be brought in
2033 the [superior court] Superior Court for the judicial district of Hartford.

2034 Sec. 46. Section 46a-101 of the general statutes is repealed and the
2035 following is substituted in lieu thereof (*Effective October 1, 2009*):

2036 (a) No action may be brought in accordance with section 46a-100, as
2037 amended by this act, unless the complainant has received a release of
2038 jurisdiction from the commission in accordance with the provisions of

2039 this section.

2040 (b) The complainant and the respondent [, by themselves or their
2041 attorneys,] may jointly request that the complainant receive a release
2042 [from the commission] at any time from the date of filing the
2043 complaint until the expiration of [two hundred ten] one hundred
2044 eighty days from the date of its filing. [of the complaint.] The
2045 complainant [, or his attorney,] may request a release from the
2046 commission if [his complaint with the commission] a complaint is still
2047 pending after the expiration of [two hundred ten] one hundred eighty
2048 days from the date of its filing.

2049 (c) The executive director [of the commission] shall grant a release,
2050 allowing the complainant to bring a civil action, within ten business
2051 days after receipt of the request, [for the release,] except that, if a case
2052 is scheduled for public hearing, the executive director may decline to
2053 issue a release. The commission may defer acting on a request for a
2054 release for thirty days if the executive director [of the commission, or
2055 his designee, certifies that he] or designee has reason to believe that the
2056 complaint may be resolved within that period.

2057 (d) Upon granting a release, the commission shall dismiss or
2058 otherwise administratively dispose of the [discriminatory practice
2059 complaint pending with the commission] complaint without cost or
2060 penalty [assessed] to any party.

2061 (e) Any action brought by the complainant in accordance with
2062 section 46a-100, as amended by this act, shall be brought [within] not
2063 later than ninety days [of] after the receipt of the release from the
2064 commission.

2065 Sec. 47. Section 46a-102 of the general statutes is repealed and the
2066 following is substituted in lieu thereof (*Effective October 1, 2009*):

2067 Any action brought in accordance with section 46a-100, as amended
2068 by this act, shall be brought within two years of the date of filing of the

2069 complaint with the commission. [, except that an action may be
2070 brought within six months of October 1, 1991, with respect to an
2071 alleged violation provided a complaint concerning such violation has
2072 been pending with the commission for more than one year as of
2073 October 1, 1991, unless the complaint has been scheduled for a
2074 hearing.]

2075 Sec. 48. Section 46a-103 of the general statutes is repealed and the
2076 following is substituted in lieu thereof (*Effective October 1, 2009*):

2077 The complainant [or his attorney] shall serve a copy of the
2078 complaint in an action brought in accordance with section 46a-100, as
2079 amended by this act, on the executive director of the commission at the
2080 same time all other parties [in such action] are served. Service on the
2081 commission shall be for the purpose of providing legal notice [of the
2082 action] and shall not thereby make the commission a necessary party
2083 to the action. The commission, [through its counsel or the Attorney
2084 General,] may intervene as a matter of right in any action brought in
2085 accordance with section 46a-100, as amended by this act, without
2086 permission of the court or the parties.

2087 Sec. 49. Section 46a-104 of the general statutes is repealed and the
2088 following is substituted in lieu thereof (*Effective October 1, 2009*):

2089 The court may grant a complainant in an action brought in
2090 accordance with section 46a-100, as amended by this act, such legal
2091 and equitable relief [which] that it deems appropriate, including, but
2092 not limited to, temporary or permanent injunctive relief, attorney's fees
2093 and court costs.

2094 Sec. 50. Section 46b-3800 of the general statutes is repealed and the
2095 following is substituted in lieu thereof (*Effective October 1, 2009*):

2096 Wherever in the general statutes the terms "spouse", "family",
2097 "immediate family", "dependent", "next of kin" or any other term that
2098 denotes the spousal relationship are used or defined, a party to a civil

2099 union or a marriage recognized by the state of Connecticut shall be
 2100 included in such use or definition, and wherever in the general
 2101 statutes, except sections 7-45 and 17b-137a, subdivision (4) of section
 2102 45a-727a, and sections 46b-20 to 46b-34, inclusive, 46b-38nn and 46b-
 2103 150d, the term "marriage" is used or defined, a civil union or a
 2104 marriage recognized by the state of Connecticut shall be included in
 2105 such use or definition. Wherever in the general statutes [, except
 2106 sections 46a-60, 46a-64, 46a-64c and 46a-66,] the term "marital status" is
 2107 used or defined, civil union status or a marriage recognized by the
 2108 state of Connecticut shall be included in such use or definition.

2109 Sec. 51. Section 53-37 of the general statutes is repealed and the
 2110 following is substituted in lieu thereof (*Effective October 1, 2009*):

2111 (a) Any person who [, by his advertisement,] ridicules or holds up to
 2112 contempt any person or class of persons [, on account of the creed,
 2113 religion, color, denomination, nationality or race] because of the race,
 2114 color, religious creed, age, sex, sexual orientation, marital status,
 2115 national origin, ancestry, present or past history of mental disability,
 2116 mental retardation, learning disability or physical disability of such
 2117 person or class of persons, shall be fined not more than fifty dollars or
 2118 imprisoned not more than thirty days, or both.

2119 (b) Any person who violates any provision of section 46a-64, as
 2120 amended by this act, shall be fined not less than twenty-five or more
 2121 than one hundred dollars or imprisoned not more than thirty days, or
 2122 both.

2123 (c) Any person who violates any provision of section 46a-64c, as
 2124 amended by this act, shall be fined not less than twenty-five or more
 2125 than one hundred dollars or imprisoned not more than thirty days, or
 2126 both.

2127 Sec. 52. Section 53-37a of the general statutes is repealed and the
 2128 following is substituted in lieu thereof (*Effective October 1, 2009*):

2129 (a) Any person who, while wearing a mask, hood or other device
 2130 designed to conceal the identity of such person and with the intent to
 2131 subject, or cause to be subjected, any other person to the deprivation of
 2132 any rights, privileges or immunities, secured or protected by the
 2133 Constitution or laws of this state or of the United States [, on account of
 2134 religion, national origin, alienage, color, race, sex, sexual orientation,
 2135 blindness or physical disability, violates the provisions of section 46a-
 2136 58 while wearing a mask, hood or other device designed to conceal the
 2137 identity of such person] because of race, color, religious creed, age, sex,
 2138 sexual orientation, marital status, national origin, ancestry, present or
 2139 past history of mental disability, mental retardation, learning disability
 2140 or physical disability shall be guilty of a class D felony.

2141 (b) Any person who violates any provision of section 46a-58, as
 2142 amended by this act, shall be guilty of a class A misdemeanor, except
 2143 that if property is damaged as a consequence of such violation in an
 2144 amount in excess of one thousand dollars, such person shall be guilty
 2145 of a class D felony.

2146 Sec. 53. Subsection (a) of section 1-1g of the general statutes is
 2147 repealed and the following is substituted in lieu thereof (*Effective*
 2148 *October 1, 2009*):

2149 (a) For the purposes of sections 4a-60, as amended by this act,
 2150 17a-274, 17a-281, 38a-816, 45a-669 to 45a-684, inclusive, [46a-51,] 53a-
 2151 59a, 53a-60b, 53a-60c and 53a-61a, mental retardation means a
 2152 significantly subaverage general intellectual functioning existing
 2153 concurrently with deficits in adaptive behavior and manifested during
 2154 the developmental period.

2155 Sec. 54. Subsection (b) of section 5-248a of the general statutes is
 2156 repealed and the following is substituted in lieu thereof (*Effective*
 2157 *October 1, 2009*):

2158 (b) The leave of absence benefits granted by this section shall be in
 2159 addition to any other paid leave benefits and benefits provided under

2160 subdivision [(7)] (5) of subsection (a) of section 46a-60, as amended by
2161 this act, which are otherwise available to the employee.

2162 Sec. 55. Section 5-227 of the general statutes is repealed and the
2163 following is substituted in lieu thereof (*Effective October 1, 2009*):

2164 No person in the classified service or seeking admission thereto
2165 may be appointed, demoted or dismissed or be in any way favored or
2166 discriminated against because of his political opinions or affiliations or
2167 as the result of a discriminatory employment practice as defined in
2168 section [46a-51] 2 of this act. No question in any application,
2169 questionnaire, examination or other evaluation form used in
2170 connection with carrying out the provisions of this chapter or section 3
2171 of this act may relate to political or religious opinions or affiliations of
2172 any applicant or eligible person on any candidate or reemployment list
2173 established and maintained by the Commissioner of Administrative
2174 Services.

2175 Sec. 56. Section 45a-726a of the general statutes is repealed and the
2176 following is substituted in lieu thereof (*Effective October 1, 2009*):

2177 [Notwithstanding any provision of sections 4a-60a and 46a-81a to
2178 46a-81p, inclusive, the] The Commissioner of Children and Families or
2179 a child-placing agency may consider the sexual orientation of the
2180 prospective adoptive or foster parent or parents when placing a child
2181 for adoption or in foster care. Nothing in this section shall be deemed
2182 to require the Commissioner of Children and Families or a child-
2183 placing agency to place a child for adoption or in foster care with a
2184 prospective adoptive or foster parent or parents who are homosexual
2185 or bisexual.

2186 Sec. 57. Section 46a-52 of the general statutes is repealed and the
2187 following is substituted in lieu thereof (*Effective October 1, 2009*):

2188 (a) The commission shall consist of nine persons. On and after
2189 October 1, 2000, such persons shall be appointed with the advice and

2190 consent of both houses of the General Assembly. (1) On or before July
2191 15, 1990, the Governor shall appoint five members of the commission,
2192 three of whom shall serve for terms of five years and two of whom
2193 shall serve for terms of three years. Upon the expiration of such terms,
2194 and thereafter, the Governor shall appoint either two or three
2195 members, as appropriate, to serve for terms of five years. On or before
2196 July 14, 1990, the president pro tempore of the Senate, the minority
2197 leader of the Senate, the speaker of the House of Representatives and
2198 the minority leader of the House of Representatives shall each appoint
2199 one member to serve for a term of three years. Upon the expiration of
2200 such terms, and thereafter, members so appointed shall serve for terms
2201 of three years. (2) If any vacancy occurs, the appointing authority
2202 making the initial appointment shall appoint a person to serve for the
2203 remainder of the unexpired term. The Governor shall select one of the
2204 members of the commission to serve as chairperson for a term of one
2205 year. The commission shall meet at least once during each two-month
2206 period and at such other times as the chairperson deems necessary.
2207 Special meetings shall be held on the request of a majority of the
2208 members of the commission after notice in accordance with the
2209 provisions of section 1-225.

2210 (b) Except as provided in section 46a-57, as amended by this act, the
2211 members of the commission shall serve without pay, but their
2212 reasonable expenses, including educational training expenses and
2213 expenses for necessary stenographic and clerical help, shall be paid by
2214 the state upon approval of the Commissioner of Administrative
2215 Services. Any member who fails to attend three consecutive meetings
2216 or who fails to attend fifty per cent of all meetings held during any
2217 calendar year shall be deemed to have resigned from office.

2218 (c) On or before July 15, 1989, the commission shall appoint an
2219 executive director who shall be the chief executive officer of the
2220 Commission on Human Rights and Opportunities to serve for a term
2221 expiring on July 14, 1990. Upon the expiration of such term and
2222 thereafter, the executive director shall be appointed for a term of four

2223 years. The executive director shall be supervised and annually
2224 evaluated by the commission. The executive director shall serve at the
2225 pleasure of the commission but no longer than four years from July
2226 fifteenth in the year of his or her appointment unless reappointed
2227 pursuant to the provisions of this subsection. The executive director
2228 shall receive an annual salary within the salary range of a salary group
2229 established by the Commissioner of Administrative Services for the
2230 position. The executive director (1) shall conduct comprehensive
2231 planning with respect to the functions of the commission; (2) shall
2232 coordinate the activities of the commission; (3) shall cause the
2233 administrative organization of the commission to be examined with a
2234 view to promoting economy and efficiency. In accordance with
2235 established procedures, the executive director may enter into such
2236 contractual agreements as may be necessary for the discharge of the
2237 director's duties.

2238 (d) The executive director may appoint no more than two deputy
2239 directors with the approval of a majority of the members of the
2240 commission. The deputy directors shall be supervised by the executive
2241 director and shall assist the executive director in the administration of
2242 the commission, the effectuation of its statutory responsibilities and
2243 such other duties as may be assigned by the executive director. Deputy
2244 directors shall serve at the pleasure of the executive director and
2245 without tenure. The executive director may remove a deputy director
2246 with the approval of a majority of the members of the commission.

2247 [(e) The executive director may appoint no more than two hearing
2248 adjudicators. Such hearing adjudicators shall have the same powers as
2249 presiding officers to conduct hearing conferences, decide preliminary
2250 matters and supervise settlement negotiations, but shall not have the
2251 authority to conduct full hearings.]

2252 [(f)] (e) The commission shall be within the Department of
2253 Administrative Services for administrative purposes only.

2254 Sec. 58. Section 46a-68b of the general statutes is repealed and the

2255 following is substituted in lieu thereof (*Effective October 1, 2009*):

2256 As used in this section and sections 4a-60, as amended by this act,
 2257 [4a-60a,] 4a-60g, as amended by this act, 4a-62, 46a-56, as amended by
 2258 this act, and 46a-68c to 46a-68k, inclusive: "Public works contract"
 2259 means any agreement between any individual, firm or corporation and
 2260 the state or any political subdivision of the state other than a
 2261 municipality for construction, rehabilitation, conversion, extension,
 2262 demolition or repair of a public building, highway or other changes or
 2263 improvements in real property, or which is financed in whole or in
 2264 part by the state, including, but not limited to, matching expenditures,
 2265 grants, loans, insurance or guarantees.

2266 Sec. 59. Subsection (a) of section 54-85b of the general statutes is
 2267 repealed and the following is substituted in lieu thereof (*Effective*
 2268 *October 1, 2009*):

2269 (a) An employer shall not deprive an employee of employment,
 2270 penalize or threaten or otherwise coerce an employee with respect
 2271 thereto, because (1) the employee obeys a legal subpoena to appear
 2272 before any court of this state as a witness in any criminal proceeding,
 2273 (2) the employee attends a court proceeding or participates in a police
 2274 investigation related to a criminal case in which the employee is a
 2275 crime victim, (3) a restraining order has been issued on the employee's
 2276 behalf pursuant to section 46b-15, or (4) a protective order has been
 2277 issued on the employee's behalf by a court of this state or by a court of
 2278 another state, provided if issued by a court of another state, the
 2279 protective order shall be registered in this state pursuant to section
 2280 46b-15a. For purposes of this section, "crime victim" means an
 2281 employee who suffers direct or threatened physical, emotional or
 2282 financial harm as a result of a crime or an employee who is an
 2283 immediate family member or guardian of (A) a person who suffers
 2284 such harm and is a minor, physically disabled, as defined in section
 2285 [46a-51] 2 of this act, or incompetent, or (B) a homicide victim.

2286 Sec. 60. Sections 4a-60a, 46a-51, 46a-62, 46a-63, 46a-64b, 46a-65, 46a-

- 2287 81a to 46a-81o, inclusive, 46a-82a, 46a-82b, 46a-82c, 46a-82d and 46a-
2288 81r of the general statutes are repealed. (*Effective October 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	1-1f
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	4a-60(a)
Sec. 5	<i>October 1, 2009</i>	4a-60g(a)(7)
Sec. 6	<i>October 1, 2009</i>	46a-54
Sec. 7	<i>October 1, 2009</i>	46a-56
Sec. 8	<i>October 1, 2009</i>	46a-57(b) to (d)
Sec. 9	<i>October 1, 2009</i>	46a-58
Sec. 10	<i>October 1, 2009</i>	46a-59(a)
Sec. 11	<i>October 1, 2009</i>	46a-60(a)
Sec. 12	<i>October 1, 2009</i>	46a-61
Sec. 13	<i>October 1, 2009</i>	46a-64
Sec. 14	<i>October 1, 2009</i>	46a-64c
Sec. 15	<i>October 1, 2009</i>	46a-66(a)
Sec. 16	<i>October 1, 2009</i>	46a-67
Sec. 17	<i>October 1, 2009</i>	46a-68a(b)
Sec. 18	<i>October 1, 2009</i>	46a-70(a)
Sec. 19	<i>October 1, 2009</i>	46a-70a
Sec. 20	<i>October 1, 2009</i>	46a-71(a)
Sec. 21	<i>October 1, 2009</i>	46a-72(b)
Sec. 22	<i>October 1, 2009</i>	46a-73(a)
Sec. 23	<i>October 1, 2009</i>	46a-75(a)
Sec. 24	<i>October 1, 2009</i>	46a-76(a)
Sec. 25	<i>October 1, 2009</i>	46a-77(c)
Sec. 26	<i>October 1, 2009</i>	46a-81p
Sec. 27	<i>October 1, 2009</i>	46a-81q
Sec. 28	<i>October 1, 2009</i>	46a-82
Sec. 29	<i>October 1, 2009</i>	46a-82e
Sec. 30	<i>October 1, 2009</i>	46a-83
Sec. 31	<i>October 1, 2009</i>	46a-84
Sec. 32	<i>October 1, 2009</i>	46a-86
Sec. 33	<i>October 1, 2009</i>	46a-87
Sec. 34	<i>October 1, 2009</i>	46a-88

Sec. 35	<i>October 1, 2009</i>	46a-89
Sec. 36	<i>October 1, 2009</i>	46a-89a
Sec. 37	<i>October 1, 2009</i>	46a-90a
Sec. 38	<i>October 1, 2009</i>	46a-94
Sec. 39	<i>October 1, 2009</i>	46a-94a
Sec. 40	<i>October 1, 2009</i>	46a-95
Sec. 41	<i>October 1, 2009</i>	46a-97
Sec. 42	<i>October 1, 2009</i>	46a-98
Sec. 43	<i>October 1, 2009</i>	46a-98a
Sec. 44	<i>October 1, 2009</i>	46a-99
Sec. 45	<i>October 1, 2009</i>	46a-100
Sec. 46	<i>October 1, 2009</i>	46a-101
Sec. 47	<i>October 1, 2009</i>	46a-102
Sec. 48	<i>October 1, 2009</i>	46a-103
Sec. 49	<i>October 1, 2009</i>	46a-104
Sec. 50	<i>October 1, 2009</i>	46b-38oo
Sec. 51	<i>October 1, 2009</i>	53-37
Sec. 52	<i>October 1, 2009</i>	53-37a
Sec. 53	<i>October 1, 2009</i>	1-1g(a)
Sec. 54	<i>October 1, 2009</i>	5-248a(b)
Sec. 55	<i>October 1, 2009</i>	5-227
Sec. 56	<i>October 1, 2009</i>	45a-726a
Sec. 57	<i>October 1, 2009</i>	46a-52
Sec. 58	<i>October 1, 2009</i>	46a-68b
Sec. 59	<i>October 1, 2009</i>	54-85b(a)
Sec. 60	<i>October 1, 2009</i>	Repealer section

Statement of Purpose:

To comprehensively revise and reorganize the statutes related to the Commission on Human Rights and Opportunities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]